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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Flaxseed Bulletin 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-TEXAS FLAXSEED PURCHASE PROGRAM

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AUTHORITY: §§ 421.3526 to 421.3541 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421.

§ 421.3526 *General.* This subpart states the requirements with respect to the 1958-crop Texas Flaxseed Purchase Program formulated for price support purposes by Commodity Credit Corporation (referred to in this subpart as CCC) and the Commodity Stabilization Service (referred to in this subpart as CSS). CCC, through designated Agricultural Stabilization and Conservation county committees, will stand ready to make direct purchases from eligible producers of eligible flaxseed delivered to authorized dealers from the time of harvest through July 31, 1958. All such purchases shall be made in accordance with this subpart.

§ 421.3527 *Administration.* (a) This program will be administered by CSS under the general direction and supervision of the Executive Vice President, CCC, and, in the field will be carried out by the CSS Commodity Office, Dallas, Texas, the Texas Agricultural Stabiliza-

tion and Conservation State Committee, and designated Agricultural Stabilization and Conservation county committees (referred to in this subpart as county committees). A producer desiring to sell flaxseed under this program must apply to the office of the county committee of the county in which the flaxseed was produced for written delivery instructions on the quantity of flaxseed he wishes to sell to CCC.

(b) Such application must be made sufficiently in advance of the date of the intended delivery to enable the county office to schedule deliveries in an orderly manner. Delivery instructions issued by the county office will set forth the approximate quantity of flaxseed and the time and place of delivery for the account of CCC. All flaxseed delivered under such instructions must meet the eligibility requirements specified in § 421.3530. All documents will be approved by the county office manager, or other employee of the county office designated by him to act in his behalf. Such designations shall be on file in the county office. Copies of all purchase documents shall be retained in the county office. County office managers, State and county committees, and the CSS commodity office do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

§ 421.3528 *Period and area of operation.* This program will be available on eligible flaxseed from the time of harvest through July 31, 1958, in the Texas counties indicated in § 421.3536. Deliveries of flaxseed under this program must be completed on or before July 31, 1958.

§ 421.3529 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and whenever applicable, a State, political subdivision of a State, or any agency thereof which (a) has produced flaxseed in 1958 in any of the designated counties as landowner, landlord, tenant, or sharecropper, and (b) has applied to the appropriate county office for delivery instructions. Executors, administrators, trustees, or receivers who represent an eligible producer or his estate may qualify under this program provided the purchase documents executed by them are legally valid.

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(As of January 1, 1958)

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Title 7, Parts 1-209 (\$2.25)

Title 14, Parts 1-39 (\$0.50)

Title 32, Parts 1-399 (\$1.25),
Parts 400-699 (\$1.75)

Title 38 (\$0.40)

Title 49, Parts 1-70 (\$0.70)

Previously announced: Title 3, 1957 Supp. (\$0.40); Titles 4-5 (\$1.00); Title 7, Parts 900-959 (\$1.00); Title 8, Rev. Jan. 1, 1958 (\$3.25); Title 9 (\$0.75); Titles 10-13 (\$1.00); Title 17 (\$0.65); Title 18 (\$0.50); Title 20 (\$1.00); Titles 22-23, Rev. Jan. 1, 1958 (\$4.25); Titles 28-29 (\$1.50); Titles 30-31 (\$1.50); Title 32, Parts 700-799 (\$0.60), Part 1100 to end (\$0.50); Titles 35-37 (\$1.00); Title 39 (\$0.60); Titles 40-42 (\$1.00); Title 43 (\$0.70); Title 46, Parts 1-145 (\$0.75), Parts 146-149, Rev. Jan. 1, 1958 (\$5.50); Title 49, Part 165 to end (\$0.75)

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§ 421.3530 *Eligible flaxseed.* Eligible flaxseed shall meet the following require-
ments:

(a) The flaxseed must be produced by an eligible producer in 1958 in any of the counties named in § 421.3536.

(b) (1) The beneficial interest in the flaxseed must be in the eligible producer tendering the flaxseed for purchase, and must always have been in him, or must have been in him and a former producer whom he succeeded before the flaxseed was harvested. Any producer who is in doubt as to whether his interest in the commodity complies with the require-
ments of this subpart should make available to the county committee all pertinent information, prior to filing an application, which will permit a deter-

mination to be made by CCC as to his eligibility for price support.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the flaxseed was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) The flaxseed must grade No. 1 or No. 2 and must not contain mercurial compounds or other substances poisonous to man or animals. Sample grade flaxseed will not be purchased under this program.

§ 421.3531 Personal liability of the producer. A producer shall be personally liable for any damage resulting from tendering to CCC flaxseed containing mercurial compounds or other substances poisonous to man or animals which is inadvertently accepted by CCC.

§ 421.3532 Authorized dealer. An authorized dealer shall be any individual, partnership, association or corporation operating under a 1958 Flaxseed Dealer Agreement with CCC, which authorizes such dealer to accept delivery of eligible flaxseed under this program for the account of CCC. A list of authorized dealers to whom flaxseed may be delivered for the account of CCC under this program may be obtained from the offices indicated in § 421.3527.

§ 421.3533 Purchase documents. (a) The purchase documents shall consist of (1) the "Non-Negotiable Flaxseed Dealer's Receipt and Grade Certificate" (or other similar document if approved by CCC) issued to the producer for flaxseed delivered, and in the case of a dealer's receipt issued by a terminal warehouse, the registered freight bill or warehouseman's supplemental certificate, (2) the purchase settlement form, and (3) such other forms and documents as may be prescribed by CCC.

(b) The receipt must be issued in the name of the producer for the account of CCC and must be dated on or before July 31, 1958. Each receipt must show: (1) Gross weight or bushels, (2) grade, (3) test weight, (4) moisture, (5) dockage, (6) percentage of damage, when such factor and not test weight determines the grade, and (7) whether the flaxseed arrived by rail, truck or barge. In the case of warehouse receipts issued for flaxseed delivered by rail or barge, the grading factors on the receipt must agree with the inbound inspection certificates for the car or barge.

§ 421.3534 Basis of purchase. Eligible flaxseed will be purchased on the basis of weight, grade and quality factors. The grade shall be determined in accordance with the Official Grain Standards of the United States for flaxseed by a grain inspector licensed by the Secretary of Agriculture, except that wherever the services of such a licensed inspector are

not available the CSS Commodity Office shall designate in writing a person qualified to determine the grade of flaxseed in accordance with the Official Grain Standards of the United States for flaxseed. Such designation may be revoked in writing by the CSS Commodity Office at any time.

§ 421.3535 Determination of quantity. (a) The number of bushels of flaxseed delivered shall be determined by weight at time of delivery. A bushel shall be 56 pounds of flaxseed free of dockage.

(b) The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States for Flaxseed, and the weight of said dockage shall be deducted from the gross weight of the flaxseed in determining the net quantity for purchase.

§ 421.3536 Authorized counties and purchase prices—(a) Counties and county rates. The basic purchase price per bushel of flaxseed grading No. 1 and containing 10.6 to 11.0 percent moisture delivered under this program for the account of CCC will be at the rate established for the county where the flaxseed is delivered. Texas counties authorized under this program and the basic purchase rates are as follows:

TEXAS			
County	Rate per bushel	County	Rate per bushel
Aransas	2.63	Karnes	2.56
Atascosa	2.54	Kimble	2.43
Bastrop	2.51	Kleberg	2.60
Bee	2.63	La Salle	2.47
Bell	2.49	Lavaca	2.51
Bexar	2.52	Lee	2.54
Blanco	2.48	Live Oak	2.59
Bowie	2.40	McCollum	2.44
Brooks	2.53	McMullen	2.56
Brown	2.45	Mason	2.45
Burnet	2.45	Matagorda	2.54
Caldwell	2.51	Maverick	2.39
Calhoun	2.53	Medina	2.50
Cameron	2.48	Milam	2.51
Coleman	2.42	Mills	2.45
Collin	2.45	Nueces	2.64
Colorado	2.58	Real	2.44
Comal	2.51	Red River	2.40
Concho	2.42	Refugio	2.57
De Witt	2.52	Runnels	2.40
Dimmit	2.43	San Antonio	2.65
Duval	2.57	San Saba	2.45
Frio	2.49	Taylor	2.38
Galveston	2.63	Travis	2.51
Goliad	2.58	Uvalde	2.44
Gonzales	2.52	Victoria	2.56
Guadalupe	2.51	Webb	2.48
Hamilton	2.42	Wharton	2.60
Hays	2.51	Willacy	2.50
Hidalgo	2.48	Williamson	2.51
Jackson	2.52	Wilson	2.54
Jim Hogg	2.52	Zapata	2.47
Jim Wells	2.61	Zavala	2.42

(b) **Terminal market rates.** (1) The basic purchase price shall be \$2.84 per bushel for No. 1 flaxseed delivered to authorized dealers at the Corpus Christi and Houston, Texas terminal markets.

(2) Such terminal market purchase prices will be for flaxseed delivered in carload lots which have been shipped by rail on a domestic interstate freight rate basis, from a country shipping point to the said terminal markets as evidenced by paid freight bills duly registered for transit privileges and other documents as required in this subpart: *Provided*, That in the event the amount of paid-in

freight is insufficient to guarantee the minimum proportional freight rate from the aforesaid terminal markets, there shall be deducted from the applicable terminal purchase price the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional freight rate. The terminal warehouse receipt must be accompanied by a registered freight bill, or by a supplemental certificate signed by the warehouseman, containing data like that on such freight bills, in the form prescribed by the CSS Commodity Office, Dallas, Texas.

(3) The purchase price of flaxseed delivered at the aforesaid terminal markets by rail in carload lots for which neither registered freight bills nor such freight certificates are presented, will be the terminal purchase price less 12 cents per bushel. Flaxseed delivered by truck at the designated terminals in the State of Texas will be purchased by CCC under this program on the basis of the terminal rate minus 16½ cents per bushel.

(c) **Grade discount.** The basic purchase price for No. 2 flaxseed shall in all instances be 6 cents per bushel less than the price indicated for No. 1 flaxseed.

(d) **Premiums for low moisture content.** The following premiums for low moisture content are applicable to eligible flaxseed:

Moisture content (percent):	Premium (cents per bushel)
10.6 to 11.0 inclusive	0
10.1 to 10.5 inclusive	1
9.6 to 10.0 inclusive	2
9.1 to 9.5 inclusive	3
9.0 or less	4

§ 421.3537 Storage charges. To compensate CCC for storage charges on flaxseed acquired under this program, the following deduction per bushel of flaxseed purchased shall be made from the basic purchase prices set forth in § 421.3536:

For flaxseed deposited in:	Deduction per bushel (cents)
April 1958	13.5
May 1958	12.0
June 1958	10.5
July 1958	9.0

§ 421.3538 Service charge. A service charge of one-half cent per bushel or a minimum of \$1.50, whichever is greater, shall be charged the producer on each purchase of flaxseed made by CCC under this program. The amount of the service charge shall be deducted from the purchase price at the time of settlement.

§ 421.3539 Liens. If there are any liens or encumbrances on the flaxseed, waivers that will fully protect the interests of CCC must be presented to the county office at the time of application for delivery instructions even though the liens or encumbrances are satisfied from the purchase proceeds.

§ 421.3540 Setoffs. If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are delinquent, or are payable under the provisions of the

note evidencing such loan out of the proceeds of the price support purchase, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the price support purchase to the extent of such indebtedness or installment(s), but not to exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after claims of prior lienholders. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 421.3541 Payment. Payment to the producer for flaxseed purchased under this program shall be made by the ASC county office by means of sight draft drawn on CCC, and on the basis of the purchase documents indicated in § 421.3533, subject to the provisions relating to setoffs and service charges.

Issued this 23d of April 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-3178; Filed, Apr. 28, 1958;
8:52 a. m.]

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

REDEMPTION OF CERTIFICATES IN GRAINS

Sec.	
485.451	Purpose.
485.452	Redemption in CCC-owned grains or loan grains.
485.453	Redemption in grains limited to producers.
485.454	Grains obtainable in redemption.
485.455	Where to apply.
485.456	When redemption may be made.
485.457	Value of certificates.
485.458	Value of grains.
485.459	Specific provisions relating to loan grain.
485.460	Place of delivery of CCC-owned grain.
485.461	Delivery of CCC-owned grain from warehouses.
485.462	Delivery of CCC-owned grain from CCC binnies.
485.463	Issuance of Balance certificates.
485.464	Grains obtained ineligible for price support.
485.465	Penalty free sale of CCC-owned wheat and rice.

AUTHORITY: §§ 485.451 to 485.465 issued under sec. 124, 70 Stat. 198; 7 U. S. C. 1812. Interpret or apply sec. 105, 70 Stat. 190; 7 U. S. C. 1823.

§ 485.451 Purpose. The purpose of the regulations in §§ 485.451 through 485.465 is to set forth the terms and conditions under which certificates issued to producers with respect to wheat, corn, and rice for participation in the acreage reserve part of the Soil Bank Program for 1958 or later years will be redeemed by Commodity Credit Corporation (hereinafter referred to as "CCC") in grains in lieu of cash, at the option of the producer. The Secretary reserves the right to modify, amend, supplement or revise any of the provisions of the regulations in §§ 485.451 through 485.465 at any time.

§ 485.452 Redemption in CCC-owned grains or loan grains. Acreage reserve certificates will be redeemed in grain either (a) through the delivery of warehouse or binsite stored grains owned by CCC (such grain is hereinafter referred to as "CCC-owned grain"), or (b) by releasing to a producer grain which had been placed under price support loan by him. (Such grain is hereinafter referred to as "loan grain.") In the case of farm storage loans, CCC will permit delivery on the farm of such loan grain in satisfaction of the loan to the extent that the producer wishes to obtain redemption of the certificate in such grain. Grain under resale, extended resale, and re-extended resale loans may be obtained in redemption of certificates. In the case of warehouse storage loans, CCC will permit the producer to relinquish his interest in such loan grain in satisfaction of the loan to the extent that the producer wishes to obtain redemption of the certificates in such grain. Interest on the loan will not be charged the producer with respect to loan grain which he obtains in redemption of a certificate.

§ 485.453 Redemption in grains limited to producers. Only a producer to whom a certificate is issued may obtain the redemption of such certificate in grain. Assignees and holders of liens or encumbrances to whom certificates are issued and holders in due course of certificates are not entitled to obtain redemption of such certificates in grain.

§ 485.454 Grains obtainable in redemption. (a) (1) Certificates issued with respect to wheat may be redeemed in wheat, oats, rye, barley, or grain sorghums.

(2) Certificates issued with respect to corn may be redeemed in corn, oats, rye, barley, or grain sorghums.

(3) Certificates issued with respect to rice may be redeemed in rough rice (but not milled rice), oats, barley, rye, or grain sorghums.

(b) The right of a producer to obtain redemption of certificates in CCC-owned grain shall be subject to the availability of such grain in the county in which the producer desires delivery. CCC shall not be obligated to make stocks of grain available in any particular county. In addition, in the case of both CCC-owned grain and loan grain, CCC reserves the

right to withdraw from the list of grains obtainable in redemption any class of any grain, or to restrict the availability of any grain in any area, whenever such action is deemed necessary, either to carry out the requirements of the Soil Bank Act or in the interest of CCC inventory management.

§ 485.455 Where to apply. (a) Producers who wish to obtain redemption of certificates in CCC-owned grain must apply at the ASC County Office in the county in which delivery of the grain is desired.

(b) Producers who wish to obtain redemption of certificates in loan grain must apply at the ASC County Office which approved the loan.

§ 485.456 When redemption may be made. Certificates issued with respect to any year's crop shall be redeemable in a grain only (a) after the end of the normal harvesting season for that year's crop of such grain in the area where delivery is desired or the area where the loan grain is stored, and (b) before the beginning of the normal harvesting season for the succeeding year's crop of such grain in such area. The normal harvesting season for each area is shown in Appendix A to the regulations in this subpart.

§ 485.457 Value of certificates. For purposes of redemption in grains hereunder, certificates shall be valued at face value.

§ 485.458 Value of grains—(a) CCC-owned grain. CCC-owned grain obtained in redemption of a certificate shall be valued as follows:

(1) CCC-owned grain which is stored in the area of its production without transit billing shall be valued at the applicable current price support rate, including premiums and discounts, established for the class, grade, and quality of the commodity at the point of storage, all as determined by CCC, less a discount of 5 per centum in the case of all grains except wheat (no discount from the price support rate shall apply to wheat); *Provided*, That in the case of wheat or corn produced outside the commercial producing area for such commodity for the year with respect to which the certificate was issued the applicable price support rate shall be adjusted upward by CCC to reflect the price support rate which would have been in effect at the point of storage if the county had been in the commercial producing area for the commodity.

(2) CCC-owned grain which is not stored in the area of its production, or which is stored in the area of its production with transit billing, shall be valued at the applicable average current price support rate, including premiums and discounts, established for the class, grade and quality of the commodity at the point(s) of production, plus the average transportation cost to the point of storage, all as determined by CCC, less a discount of 5 per centum in the

case of all grain except wheat (no discount from the price support rate shall apply to wheat): *Provided*, That in the case of wheat or corn produced outside the commercial producing area for such commodity for the year with respect to which the certificate was issued, the applicable price support rate shall be adjusted upward by CCC to reflect the current price support rate which would have been in effect at the point of production if the county had been in the commercial producing area for the commodity.

(3) Transit billing behind grain delivered to a producer shall be transferred to the producer by CCC.

(b) *Loan grain.* (1) Loan grain obtained in redemption of certificates shall be valued at the applicable current price support rate for the commodity in effect at the point of storage or county of production whichever is applicable (prior to warehouse storage deductions, if any), less a discount of 5 per centum in the case of all commodities except wheat (no discount from the price support rate shall apply to wheat). The same basis of valuation (current support rate) shall be applicable to grain under loan, resale loan, extended resale loan, and re-extended resale loan.

(2) In the case of resale, extended resale or re-extended resale loan grain, CCC will pay to the producer any storage payment earned during the applicable storage period on the quantity of grain obtained in redemption of the certificate. Such storage payment will be computed on a pro rata basis for resale, extended resale, and re-extended resale loan grain obtained in redemption of a certificate prior to the extended maturity date under the applicable price support regulations.

(3) In the case of warehouse-stored loan grain, the producer shall be responsible to the warehouseman for payment of all warehouse charges on the grain obtained in redemption of the certificates. CCC will refund to the producer any storage amounts deducted in determining the loan rate on that quantity of warehouse-stored loan grain obtained in redemption of the certificate. In addition, CCC will pay to the producer receiving charges on the quantity of grain obtained at the rate specified therefor in the Uniform Grain Storage Agreement or other applicable rate, except that in the case of rice, CCC will pay the producer 8 cents per hundredweight on the quantity of rice obtained in redemption of a certificate as compensation for any receiving and loading out charges prepaid by the producer.

(c) *Current price support rate.* For purposes of §§ 485.451 through 485.465, the "current price support rate" is defined as follows:

(1) In the case of wheat, oats, rye, barley, and grain sorghums, the "current price support rate" shall be the price

support rate which is effective during the marketing year which begins on July 1 of the year with respect to which the certificate is issued and ends on June 30 of the following year.

(2) In the case of rice, the "current price support rate" shall be the price support rate which is effective during the marketing year which begins on August 1 of the year with respect to which the certificate is issued and ends on July 31 of the following year.

(3) In the case of corn, the "current price support rate" shall be the price support rate which is effective during the marketing year which begins on October 1 of the year with respect to which the certificate is issued and ends on September 30 of the following year.

§ 485.459 *Specific provisions relating to loan grain.* (a) *Farm-stored loan grain.* (1) If a producer obtains only a part of the grain under a farm-storage loan in redemption of a certificate, the quantity so obtained must be removed from the storage structure(s) and segregated from the grain which remains as collateral for the outstanding balance of the loan.

(2) If the value of the certificate(s) surrendered is insufficient to completely liquidate the farm-storage loan, the producer if he wishes to redeem the balance of the grain under loan must redeem such balance in cash at the price support rate shown on the original loan document, plus interest thereon.

(b) *Warehouse-stored loan grain.* (1) A producer may not obtain less than the quantity of grain represented by one or more entire warehouse receipt(s) in redemption of his certificate(s). If the value of the certificate(s) surrendered is insufficient to liquidate the amount of a loan represented by an entire warehouse receipt, the balance of the amount of the loan represented by such receipt must be paid in cash in redemption of the loan at the applicable price support rate, plus interest thereon.

(2) No equity payments will be made by CCC on loan grain obtained by producers in redemption of certificates.

§ 485.460 *Place of delivery of CCC-owned grain.* Delivery of CCC-owned grain will be made in warehouses where such grain is stored or at CCC binsites, at the option of CCC. Grain will be delivered at CCC binsites only if CCC is unable to make delivery in a warehouse.

§ 485.461 *Delivery of CCC-owned grain in warehouses.* (a) CCC-owned warehouse stored grain shall be delivered "in store." If delivery is to be made of warehouse-stored CCC-owned grain, the county office shall issue a Delivery Order to the producer setting forth the quantity, grade and quality of the commodity to be delivered to the producer, and the warehouse in which the grain is to be delivered. On grain stored with transit billing the Delivery Order shall also con-

tain information concerning evidence of transfer of billing to the producer. The producer may obtain the grain by presenting the Delivery Order to the warehouseman. Such Delivery Orders shall not be transferable and may be presented to the warehouseman only by the producer to whom issued.

(b) Title and risk of loss to the grain specified in the Delivery Order shall pass to the producer on the date of issuance of the Delivery Order by the ASC County Office. CCC shall be responsible for all warehouse charges, except load out charges, accruing through the date of issuance of the Delivery Order. The producer shall be responsible for load out charges (if any) and for all warehouse charges accruing after the date of issuance of the Delivery Order.

(c) Any difference in the value of the transit billing, grade, quality, and quantity of the grain delivered to the producer from that shown on the Delivery Order shall be settled between the producer and the warehouseman.

§ 485.462 *Delivery of CCC-owned grain from CCC binsites.* (a) Deliveries of CCC-owned grain from CCC binsites will be made f. o. b. the producer's conveyance at the binsite.

(b) In the event of the inadvertent delivery to the producer of a quantity of grain in excess of that agreed upon, the producer shall pay CCC for such excess quantity at the current price support rate applicable to such grain without the discount provided in § 485.458.

§ 485.463 *Issuance of Balance Certificates.* In the event that the full amount of the face value of a certificate is not redeemed in grain, a Balance Certificate shall be issued to the producer for the unused amount, except that if the amount is \$3.00 or less no Balance Certificate will be issued unless requested by the producer. Balance Certificates will be redeemed in cash or in grains in the same manner as other certificates.

§ 485.464 *Grains obtained ineligible for price support.* Grains obtained by producers in redemption of certificates shall not be eligible for tender to CCC under the price support program.

§ 485.465 *Penalty free sale of CCC-owned wheat and rice.* Quantities of CCC-owned wheat and rice obtained by a producer in redemption of a certificate and offered for sale shall be taken by the buyer as penalty free, if identified by a properly executed producer's copy of the Soil Bank Delivery Order, CCC Form 404 or CCC Form 103 (or Form CCC Grain 51, when available). The applicable Marketing Quota Regulations for Wheat and Rice, respectively, contain the authority for the penalty free sale of these commodities.

APPENDIX A—NORMAL HARVESTING SEASON FOR GRAINS BY AREA

State	Wheat, barley, rye, and oats	Corn and grain sorghums	Rice
Alabama	May 15-June 15	Oct. 1-Nov. 30	
Arizona	May 15-Oct. 31	Aug. 15-Nov. 15	Sept. 15-Dec. 15
Arkansas	May 1-July 15	Oct. 1-Nov. 30	Sept. 1-Nov. 15
California	May 1-Sept. 15	Sept. 15-Dec. 15	Sept. 15-Dec. 15
Colorado	July 1-Aug. 31	Sept. 15-Nov. 30	
Delaware	June 1-July 15	Sept. 1-Oct. 31	
Florida	May 1-May 31	Sept. 15-Nov. 15	Sept. 1-Oct. 15
Georgia	May 1-July 15	Oct. 1-Dec. 15	
Idaho	July 15-Sept. 30	Oct. 15-Nov. 15	
Illinois	July 1-Aug. 15	Oct. 15-Nov. 30	Sept. 1-Nov. 15
Indiana	June 15-July 31	do	
Iowa	July 1-July 31	Oct. 15-Nov. 15	
Kansas	June 15-July 15	Oct. 1-Nov. 15	
Kentucky	June 1-July 31	do	
Louisiana	May 15-June 15	Aug. 15-Oct. 15	Sept. 1-Oct. 15
Maryland	June 11-July 31	Sept. 1-Oct. 31	
Michigan	July 15-Aug. 15	Oct. 15-Nov. 30	
Minnesota	July 1-Sept. 15	do	
Mississippi	May 15-June 30	Sept. 15-Nov. 15	Sept. 1-Nov. 15
Missouri	June 1-July 15	Sept. 15-Nov. 30	Do.
Montana	Aug. 1-Sept. 30	Sept. 15-Oct. 31	
Nebraska	June 15-Aug. 31	Oct. 1-Nov. 15	
Nevada	July 15-Aug. 31		
New Jersey	June 1-Aug. 15	Sept. 1-Oct. 31	
New Mexico	June 15-Aug. 15	Oct. 15-Nov. 30	
New York	July 1-Aug. 15	Sept. 1-Dec. 1	
North Carolina	May 15-July 15	Oct. 15-Dec. 15	Do.
North Dakota	July 15-Sept. 15	Sept. 15-Oct. 31	
Ohio	June 15-Aug. 15	Oct. 1-Nov. 30	Do.
Oklahoma	May 15-July 15	Sept. 1-Nov. 30	
Oregon	July 1-Sept. 15	Oct. 1-Nov. 30	
Pennsylvania	June 15-Aug. 15	Sept. 1-Nov. 15	Do.
South Carolina	May 15-June 30	Oct. 15-Dec. 15	
South Dakota	July 1-Aug. 15	Oct. 15-Nov. 30	
Tennessee	June 1-July 15	do	Do.
Texas	May 1-July 15	June 15-Nov. 15	Sept. 1-Oct. 15
Utah	July 15-Sept. 30	Sept. 1-Oct. 15	
Virginia	June 1-July 31	Sept. 1-Nov. 30	
Washington	July 1-Oct. 15		
West Virginia	June 15-Aug. 31	Sept. 15-Dec. 15	
Wisconsin	July 15-Aug. 15	Oct. 1-Nov. 15	
Wyoming	July 15-Sept. 15	Sept. 15-Nov. 30	

Done at Washington, D. C., this 23d day of April 1958.

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-3157; Filed, Apr. 28, 1958; 8:47 a. m.]

Chapter V—Agricultural Marketing
Service, Department of AgriculturePART 502—SPECIAL MILK PROGRAM FOR
CHILDREN

REIMBURSEMENT

The statement regarding reimbursement payments to participating schools and child-care institutions is hereby amended as follows:

§ 502.208 *Reimbursement.* (a) Reimbursement payments shall be made for milk purchased for service to children by participating schools and child-care institutions, except that reimbursement shall not be made for the first half pint of milk served as part of a Type A or Type B lunch by schools participating in the National School Lunch Program.

(b) For schools that offer milk to children as a separately priced item, the maximum rate of reimbursement shall be four cents per half pint for schools that serve Type A or B meals under the National School Lunch Program. For other schools and for child-care institutions that offer milk to children as a separately priced item, the maximum rate of reimbursement shall be three cents per half pint. Less-than-maximum rates of reimbursement shall be assigned, or assigned rates shall be adjusted, if circumstances indicate such action is advisable.

(c) Schools or child-care institutions that do not offer milk to children as a

separately priced item, shall, at the time they apply for participation, submit for approval the methods and practices under which they plan to encourage increased consumption of milk by children. The rate of reimbursement for such schools and institutions shall be two cents per half pint.

(d) Schools operating the program in more than one school attendance unit may be regarded as a single school or as individual schools for reimbursement purposes. If regarded as a single school, reimbursement shall not be made at a rate in excess of three cents per half pint unless all units are serving Type A or Type B meals under the National School Lunch Program.

(e) Schools and child-care institutions offering milk as a separately priced item shall make maximum use of the reimbursement payments received under this program to reduce the price of milk to children. The full amount of such payments shall be reflected in reduced prices to children, except that such payments may be used by schools or child-care institutions to defray distribution costs. Distribution costs shall not exceed one cent per half pint. Exceptions to this provision may be granted in instances where the situation in a school or child-care institution justifies a distribution cost margin fractionally above one cent, and such exceptions shall be subject to periodic reviews.

(Sec. 4, 62 Stat. 1070; 15 U. S. C. 714b)

Effective date. This amendment shall be effective June 1, 1958.

[SEAL]

DON PAARLBERG,

Assistant Secretary of Agriculture.

[F. R. Doc. 58-3174; Filed, Apr. 28, 1958;
8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research
Service, Department of Agriculture

[P. P. C. 612, 11th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2 as amended, 22 F. R. 2656; cf. 22 F. R. 2679) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions are hereby issued as follows, listing premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76-2a *Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.* Infestations of the khapra beetle have been determined to exist in the premises listed in paragraphs (a) and (b) of this section. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

(a)

ARIZONA

Leo S. Accomazzo (old Shumway Bros.) Ranch, located at the intersection of East Dysart Road and Southern Avenue, Route 1, Avondale.

L. N. Cottrell Poultry Yard, 2626 West Campbell Avenue, Phoenix.

Duane Drennen Farm No. 1, Parker, mailing address, c/o Colorado River Trading Company.

Duane Drennen Farm No. 2, Parker, mailing address, c/o Colorado River Trading Company.

Tom Drennen Farm, Parker, mailing address, c/o Colorado River Trading Company.

Elmer Emrick Farm, Route 1, Box 154, Somerton.

Fewell Ranches, P. O. Box 1, Vicksburg.

Arnold Gillatt Stable, 3231 North Craycroft, Tucson.

E. A. Heald Chicken Yard, P. O. Box 1973, Parker.

William Hershkowitz Farm, P. O. Box 1114, Wickenburg.

Hundred Eleven Ranch (Sombrero Butte), Mammoth.

Mission Road Market, 1256 Mission Road, Tucson.

Emon Parker Chicken Yard, 4129 East Magnolia Street, Tempe.

Tom Rhodes Ranch, P. O. Box 96, Mammoth.

Rhodes-Mercer 111 Farm, Mammoth.

River Farm, 3100 South Seventh Street, Phoenix.

Daniel Robles Residence, P. O. Box 1591, Parker.

Roseline Farms, Box 86, Vicksburg.

Howard Saklestewa Farm, south of Parker, Route 1, P. O. Box 49, Parker.

Shady Acres Nursery & Bird Farm, 3640 East Washington Street, Phoenix.
 Clay Sharp Farm, Box 1931, Parker.
 K. R. Shumway Chicken Farm, Box 913, Buckeye.
 Frank Spatig Farm, Route 1, Box 184, Somerton.
 Swanson Farms, Inc., Arlington.
 Ernest Williams Chicken Yard, Route 1, Somerton.

CALIFORNIA

Ray Ansolabehere property, 20035 Fruitvale, Rosemead.
 Coachella Valley Feed Yard, located east side of Highway 111, south of Avenue 64, mail address Box 236, Coachella.
 Ruth H. Penner, Sec. 2, T. 27 S., R. 24 E., MDM, 0.6 mile west of the intersection of Palm and Gromer Avenues, P. O. Box 186, Wasco.
 E. L. O'Reilly property, Sec. 35, T. 27 S., R. 32 E., Bodfish.
 Glade Wattenbarger property, Sec. 35, T. 26 S., R. 30 E., MDB&M, Granite Station, Bakersfield.

(b) The portion of each of the following premises in which live khapra beetles were found has received the approved fumigation treatment, but these premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

ARIZONA

LaSalvia Dairy, Box 116, Laveen Stage, Phoenix.

CALIFORNIA

Cal-Ped Feed Yard, located 2 miles south of Orita, 1½ miles east on Oxalis Canal, Brawley.
 P. Callo property, located 2 miles west of the intersection of Roads 90 and West C on the south side of Road 90, P. O. Box 44, Niland.
 Floyd B. Carrion property, located on the south side of Avenue 70, 0.8 mile west of Lincoln Street, P. O. Box 564, Mecca.
 Tom Mejia property, located at the southwest corner of the intersection of Roads 90 and West C, P. O. Box 662, Niland.
 Union Development Co. Warehouse, located approximately 100 yards south of the intersection of County Roads No. 86 and West A, Niland.
 Martin Valdez property, located at the intersection of Roads 90 and West E, P. O. Box 463, Niland.

NEW MEXICO

M. M. Martin Farm, located 11 miles south of Tolar.

This revision has the effect of revoking the designation as regulated areas of certain premises in Arizona and California, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds certain premises in Arizona and California to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

As an informative item, the revision also segregates certain regulated premises in Arizona, California, and New Mexico where the approved fumigation treatment has been applied to the portion of the premises in which live khapra beetles were found and which are consequently in a somewhat different category than untreated premises.

These administrative instructions shall become effective April 29, 1958, when they shall supersede P. P. C. 612, Tenth Revision, effective March 20, 1953 (23 F. R. 1853).

These instructions, in part, impose restrictions supplementing khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161.)

Done at Washington, D. C., this 23d day of April 1958.

[SEAL]

E. D. BURGESS,

Director,

Plant Pest Control Division.

[F. R. Doc. 58-3156; Filed, Apr. 28, 1958; 8:47 a. m.]

[P. P. C. 624, 2d Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—SOYBEAN CYST NEMATODE

REVISION OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Pursuant to § 301.79-2 of the regulations supplemental to the soybean cyst nematode quarantine (7 CFR 301.79-2, 22 F. R. 5913), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act of May 23, 1957 (Pub. Law 85-36; 71 Stat. 32, 33), administrative instructions appearing as 7 CFR 301.79-2a (22 F. R. 9854) are hereby revised to read as follows:

§ 301.79-2a *Administrative instructions designating regulated areas under the soybean cyst nematode quarantine.* Infestations of the soybean cyst nematode have been determined to exist in the counties, other civil divisions, farms, and other premises, or parts thereof, listed below, or it has been determined that such infestation is likely to exist

therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such counties, other civil divisions, farms, other premises, and parts thereof, are hereby designated as soybean cyst nematode regulated areas within the meaning of the provisions in this subpart:

ARKANSAS

Crittenden County. The irregular portion on the eastern boundary of the county between the Mississippi River levee and the indeterminate Arkansas-Tennessee State line, bounded on the north by the Crittenden-Mississippi County line and on the south by an east-west line projected from the levee to the State line, lying one mile south of the intersection of a graded road and the levee at the head of Wapanocca Bayou.

The property known as the Clarence Williams Farm, located in sec. 21, T. 5 N., R. 8 E.

Mississippi County. The irregular portion on the eastern boundary of the county lying between the Mississippi River levee and the indeterminate Arkansas-Tennessee State line.

The property known as the Bert Hardesty Farm, shown on some ownership maps as the E. C. Addison Farm, located 1½ miles north and 3¼ miles east of the Town of Armored on State Highway 137, this tract of land being the S½ of SE¼ of sec. 6, T. 15 N., R. 13 E.

That area bounded on the north by the Arkansas-Missouri State line; on the east by the Mississippi River levee; on the south by the south section lines of sec. 30, T. 16 N., R. 13 E., of secs. 25, 26, 27, 28, 29, and 30, T. 16 N., R. 12 E., and of secs. 25, 26, and 27, T. 16 N., R. 11 E.; and on the west by U. S. Highway 61.

That area bounded by a line beginning at the intersection of State Highway 18 and the Mississippi River levee and extending southwest along the levee to the west section line of sec. 4, T. 14 N., R. 12 E., thence due north along the west section lines of sec. 4, T. 14 N., R. 12 E., and of secs. 33, 28, 21, and 16, T. 15 N., R. 12 E., to State Highway 18, and thence east, south, and southeast along said highway to the point of beginning.

The property known as the Milton Bunch Farm, in E½ sec. 21, T. 16 N., R. 11 E.

The property known as the Hughes and Humphries Trustees Farm, in E½ sec. 35, T. 15 N., R. 11 E.

KENTUCKY

Fulton County. That portion of the N½ sec. 23, T. 1 N., R. 4 W., owned by Jesse McNeill and King McNeill.

That portion of the Norman Sutton farm lying between the levee and the Mississippi River, in sec. 12, T. 1 N., R. 7 W.

All of the area known as the detached portion of Fulton County.

All of Island No. 8 in the Mississippi River.

MISSISSIPPI

De Soto County. That portion of secs. 28, 29, 31, and 32, T. 2 S., R. 10 W., lying between the Mississippi River levee and the Mississippi-Arkansas State line.

MISSOURI

New Madrid County. That portion of the county lying east and south of a line beginning at a point where State Highway B intersects the Pemiscot-New Madrid County line, and extending north along State Highway B to the point where it intersects the No. 1 drainage ditch, thence northeast along the No. 1 drainage ditch to the point where it intersects U. S. Highway 62 and thence east to the point where U. S. Highway 62 intersects U. S. Highway 61 and thence east on the section line common to secs. 12 and 13, T. 22 N., R. 13 E., and continuing directly east to the Mississippi River.

The property owned by H. E. Hunter and operated by T. C. Wiley, Claude Harris, M. B. Young, and Roosevelt Walker, located on the north and south sides of a dirt road, approximately 0.6 mile west of U. S. Highway 61 at Ristine.

Pemiscot County. That portion of the county lying east and south of a line beginning at a point where State Highway B intersects the Pemiscot-New Madrid County line, and extending southward along State Highway B to the point where it joins State Highway 84; thence west along State Highway 84 to a point where the highway joins State Highway C; thence southward along State Highway C to the point where it meets State Highway F; thence due south to the point where it intersects the Missouri-Arkansas State line.

Stoddard County. The property owned by Earnest Kellett and operated by Bern Abernathy, being the W $\frac{1}{2}$ NE $\frac{1}{4}$ sec. 16, T. 27 N., R. 12 E.

NORTH CAROLINA

Camden County. The property owned and operated by Mack L. Sawyer, located on the north side of a black top road and 0.3 mile west of Pierceville.

New Hanover County. That area bounded by a line beginning at the North East Cape Fear River Bridge on A. C. L. Railroad and extending southward along said railroad to Prince George Creek, thence along said creek westward to Highway U. S. 117, thence southward along U. S. 117 to a drain ditch approximately one-tenth mile south of the entrance to the North Carolina Vegetable Research Station, thence in a northwesterly direction to the point where Prince George Creek empties into the North East Cape Fear River, thence upstream following said river to said A. C. L. Railroad bridge.

The property owned and operated by W. A. Buck, located on the west side of Highway U. S. 117, across from Wrightsboro school and approximately 1,400 feet north of the intersection of Highway U. S. 117 and Winter Park-Wrightsboro Road.

The property owned and operated by P. Buis, located on the south side of Black Swamp Road approximately 1.6 miles east of Blue Clay Road.

The property owned and operated by Cox Brothers, located on the west side of Blue Clay Road 2.1 miles north of Wrightsboro.

The property owned and operated by H. C. Johnson, located on the northeast side of Gordon Road 0.6 mile northwest of the intersection of Gordon Road and U. S. Highway 17.

The property owned and operated by J. D. Murray, located at end of Murrayville Road 2.2 miles from the intersection with Black Swamp Road.

The property known as Top Notch Farm, located at the west end of Chair Road and owned by the Peschau Estate.

The property owned and operated by A. G. Seitter, Sr., located on the west side of U. S. Highway 117 and approximately 50 feet north of junction of U. S. Highway 117 and Winter Park-Wrightsboro Road.

The property, consisting of two fields, owned and operated by D. Swart and Sons, located 1.3 miles south of the intersection of Skippers Corner Road and Atlantic Coastline Railroad and approximately 1 mile east of U. S. Highway 117.

The property owned and operated by Alex Trask, located west of Blue Clay Road beginning at a point approximately 1,000 feet north of the intersection of Blue Clay Road and Black Swamp Road and extending northward along Blue Clay Road for approximately 1,400 feet to a ditch separating the Trask and Cox properties.

The property owned and operated by Alex Trask, located on the north side of Black Swamp Road and approximately 1.3 miles east of Blue Clay Road.

The property owned and operated by Alex Trask, located on the north side of Black Swamp Road 2.2 miles east of Blue Clay Road.

The property owned and operated by Ralford Trask, located on the east side of Blue Clay Road and bounded on the west by Blue Clay Road beginning at the intersection of Blue Clay Road and Black Swamp Road and extending north for 2,400 feet, on the south by Black Swamp Road beginning at the junction of Blue Clay and Black Swamp Roads and extending eastward seven-tenths mile, on the north by a line beginning at northern terminus of west boundary and extending eastward parallel to the south boundary for seven-tenths mile, and on the east by a line connecting the east termini of the north and south boundaries.

The property owned and operated by Ralford Trask, located on the east side of Blue Clay Road 1.4 miles north of point where Blue Clay Road crosses A. C. L. Railroad.

The property owned and operated by Ralford Trask as a packing and storage area, located just south of Wrightsboro Station on the west side of A. C. L. Railroad; and that property owned and operated by Alex Trask as a packing and storage area, located just south of Wrightsboro Station on the east side of A. C. L. Railroad.

The property owned and operated by Ralford Trask, located on the west side of Blue Clay Road 0.3 mile north of Wrightsboro.

Pender County. That area bounded on the north by N. C. Highway 210, on the east by the Moore-Town Road, on the south by the Moore-Town Road and on the west by a line beginning on N. C. Highway 210 four-tenths mile west from the junction of N. C. Highway 210 and the Moore-Town Road and extending due south to Moore-Town Road.

The property owned and operated by P. Brask, known as Mariboro Farm, located on the west side of U. S. Highway 117, approximately seven-tenths mile north of Paul's Place. Also that property owned and operated by P. Brask adjoining Mariboro Farm on the south.

The property owned and operated by P. Katalinic, located on the east and west side of U. S. Highway 117 at the junction of Stag Park Road and U. S. Highway 117.

The property owned and operated by Paul Paskas, located approximately 1.9 miles west of Paul's Place and three-tenths mile north of N. C. Highway 40 (formerly Highway 210).

The property owned and operated by Mike Poryk, located on the west side of Long Creek-Burgaw Highway 0.2 mile south of Burgaw City limits.

The property owned and operated by C. Heide Trask, located on the south side of N. C. Highway 210 and 1.5 miles west of the junction of U. S. Highway 117 and N. C. Highway 210.

The property owned and operated by C. Heide Trask, located on Moore-Town Road four-tenths mile from its intersection with N. C. Highway 210.

The property owned and operated by W. E. Motley, located on the east side of Kelly Road 1.1 miles northeast of the junction of Kelly Road and N. C. Highway 40.

The property owned and operated by Henry Clark, located at the intersection of Kelly Road and N. C. Highway 210, being on the north side of N. C. Highway 210 and the east side of Kelly Road, approximately 500 feet north of the intersection of Kelly Road and N. C. Highway 40.

The property owned and operated by Henry Clark, located on the south side of N. C. Highway 40 and 0.2 mile southeast of Bell's Crossroads.

The property owned and operated by W. B. Keith, located on the west side of Clark's Landing Loop Road and one mile southwest of Bell's Crossroads.

TENNESSEE

Dyer County. All of the county except Civil Districts 1, 6, 7, 8, 9, and 15.

Lake County. The entire county.

Lauderdale County. Civil Districts 4, 5, 9, and 13.

Obion County. Civil Districts 5, 9, and 12; and that part of Civil District 13 consisting of the farm of approximately 365 acres owned by R. C. Reynolds, 730 East High Street, Union City, operated by O. T. Baker and located south of Union City, approximately one mile south of the intersection of U. S. Highway 45-W and U. S. Highway 51, lying on the east side of U. S. Highway 45-W and extending southward from this point, between U. S. Highway 45-W and the Gulf, Mobile & Ohio Railroad to the south boundary of the property.

This revision has the effect of adding to the areas now regulated in Fulton County, Kentucky; New Madrid County, Missouri; and New Hanover and Pender Counties, North Carolina.

The foregoing administrative instructions shall be effective April 29, 1958, and shall supersede those contained in P. F. C. 624, Revised, effective December 10, 1957 (7 CFR 301.79-2a; 22 F. R. 9854).

These instructions should be made effective as soon as possible with respect to the newly regulated areas in order to be of maximum benefit in preventing the interstate spread of the soybean cyst nematode. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to these instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85-36, 71 Stat. 33; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161.)

Done at Washington, D. C., this 23d day of April 1958.

[SEAL]

L. F. CURL,
Acting Director,
Plant Pest Control Division.

[P. R. Doc. 58-3155; Filed, Apr. 28, 1958; 8:47 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 730—RICE

SUBPART—REGULATIONS FOR ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1958 CROP OF RICE

MISCELLANEOUS AMENDMENTS

The amendments herein are issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended, to (1) permit a change in the cropland on a farm without requiring the farm to be reconstituted when the cropland change is 15 percent or less of the total cropland on the farm and such cropland was acquired

for a governmental or other public purpose for nonagricultural use, and (2) preclude the establishment of a base acreage for a person or irrigation company when such person or company shared in a prior crop of rice by virtue of furnishing water only for a share of the crop.

Present regulations leave the ASC county committee no choice but to reconstitute the rice acreage allotment and rice history acreages when reconstituting a farm even though the cropland being removed represents a very small percentage of the total cropland on the farm. Because of the large number of instances in which relatively small acreages of farms will be taken out of agricultural use because of the Federal road program and other reasons, it is believed to be in the interest of more effective and economical administration of the rice marketing quota program not to reconstitute farms from which such small acreages are taken. Accordingly, the regulations are being amended as provided in amendment No. 1 below.

Section 730.916 (a) of said regulations requires the county committee, with the approval of the State committee, to establish a base acreage of rice for each old producer in the county. An old producer is defined in said regulations as being any person engaged in the production of rice during one or more of the years 1953, 1954, 1955, 1956 or 1957, including any person who was engaged in the production of rice in 1955, 1956 or 1957 on a farm for which no rice acreage allotment was determined for any of such years. Under the rice acreage allotment regulations for the years prior to 1958, persons or irrigation companies sharing in rice crops during the base period solely by virtue of furnishing water were considered as old producers and entitled to price support on their share of the rice crop, provided the crop was otherwise eligible, but no base acreage or acreage allotment was established for such persons. Through inadvertence, the regulations for 1958 originally issued did not preclude the establishment of base acreages and allotments for such producers. In order to make the 1958 regulations consistent with those for prior years in this respect, amendment No. 2 below is being issued.

Prior to preparing such amendments, public notice (23 F. R. 1552) of the Secretary's intention to issue the amendments was given in accordance with provisions of the Administrative Procedure Act (5 U. S. C. 1003). No data, views, or recommendations pertaining to these amendments were received pursuant to such notice.

1. Section 730.931 (a) is amended by adding a sentence following the second sentence of subparagraph (1) to read as follows: "Notwithstanding the provisions of this subparagraph, the 1958 rice allotment initially established and the rice history acreages for any farm from which 15 per centum or less of the cropland was acquired for a governmental or other public purpose for nonagricultural use shall not be reconstituted."

2. Section 730.916 (a) is amended by changing the period at the end of the

second sentence to a comma and adding the following language: "except for a person or irrigation company furnishing water for a share of the crop."

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 353, 52 Stat. 61, as amended; 7 U. S. C. 1353)

Issued at Washington, D. C., this 23d day of April 1958.

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-3158; Filed, Apr. 28, 1958;
8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 735, Amdt. 2]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.842 (Lemon Regulation 735; 23 F. R. 2588) are hereby further amended to read as follows:

(ii) District 2: 344,100 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 24, 1958.

[SEAL]

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 58-3173; Filed, Apr. 28, 1958;
8:51 a. m.]

[Docket No. AO-268-A4]

PART 1002—MILK IN GREATER WHEELING, W. VA., MARKETING AREA

ORDER AMENDING ORDER

§ 1002.0 Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order regulating the handling of milk in the Greater Wheeling, West Virginia, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) Additional findings. It is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1958. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk for the Greater Wheeling marketing area. Any delay beyond May 1 in the effective date of this order will tend to affect adversely the production of an adequate supply of milk for the Greater Wheeling marketing area.

The changes effected by this order amending the order do not require of persons affected substantial or extensive changes prior to the effective date. The provisions of the said order are well known to handlers, the public hearing having been held on February 14, 1958, the recommended decision having been

issued on March 28, 1958 (23 F. R. 2196), and the final decision having been issued on April 14, 1958. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the *FEDERAL REGISTER*.

In view of the foregoing, it is hereby found that good cause exists for making this order amending the order effective May 1, 1958 (sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order) of more than 50 percent of the volume of milk covered by this order amending the order, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) This issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the representative period (February 1958), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Wheeling, West Virginia, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1002.27 (k) (1) and (2) and substitute therefor the following:

(1) The 5th day of each month, the Class II milk price and the Class II butterfat differential, both for the preceding month, and

(2) The 11th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the uniform prices, computed pursuant to §§ 1002.71 and 1002.72, and the producer butterfat differential, both for the preceding month.

2. Delete § 1002.51 (a) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price (computed pursuant to § 1002.50) for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add the amount for the month indicated:

Month	Amount
February, March, April, May, June, and July	\$1.50
All others	1.93

(2) Add if the utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than or subtract if it is more than, the standard utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph by 2 cents: *Provided*, That the result of the computation pursuant to this subparagraph shall be adjusted to an amount which does not differ by more than 15 cents from the "supply-demand adjustment" effective in the calculation of the Class I price for the preceding month under the terms of the Cleveland, Ohio, Federal milk order (Part 975 of this chapter);

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk disposed of during the first and second preceding months from pool plants at which less than 50 percent of total receipts is milk from a plant(s) fully regulated pursuant to another order issued pursuant to the act into the total hundredweight of producer milk received at such pool plants during the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(4) Calculate a net utilization percentage by determining the amount by which the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds the higher figure or is less than the lower figure of the standard utilization range in the following table:

Month for which price applies	Months for which average utilization is computed	Standard utilization percentages	
		Minimum	Maximum
January	November-December	113	116
February	December-January	115	118
March	January-February	115	118
April	February-March	115	118
May	March-April	118	121
June	April-May	130	133
July	May-June	137	140
August	June-July	127	130
September	July-August	113	116
October	August-September	110	113
November	September-October	110	113
December	October-November	113	116

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of April 1958, to be effective on and after May 1, 1958.

[SEAL]

DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-3176; Filed, Apr. 28, 1958; 8:51 a. m.]

[Docket No. AO-268-A4]

PART 1009—MILK IN CLARKSBURG, W. VA.,
MARKETING AREA

ORDER AMENDING ORDER

§ 1009.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary

and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order regulating the handling of milk in the Clarksburg, West Virginia, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1958. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk for the Clarksburg marketing area. Any delay beyond May 1 in the effective date of this order will tend to affect adversely the production of an adequate supply of milk for the Clarksburg marketing area.

The changes effected by this order amending the order do not require of persons affected substantial or extensive changes prior to the effective date. The provisions of the said order are well known to handlers, the public hearings having been held on February 14, 1958, the recommended decision having been issued on March 28, 1958 (23 F. R. 2196), and the final decision having been issued on April 14, 1958. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30

days after its publication in the FEDERAL REGISTER.

In view of the foregoing, it is hereby found that good cause exists for making this order amending the order effective May 1, 1958 (sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding co-operative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order) of more than 50 percent of the volume of milk covered by this order amending the order which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

1. The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

2. This issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

3. The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who, during the representative period (February 1958), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Clarksburg, West Virginia, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1009.27 (k) (1) and (2) and substitute therefor the following:

(1) The 5th day of each month, the Class II milk price and the Class II butterfat differential, both for the preceding month, and

(2) The 11th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the uniform prices, computed pursuant to §§ 1009.71 and 1009.72, and the producer butterfat differential, both for the preceding month.

2. Delete § 1009.51 (a) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price (computed pursuant to § 1009.50) for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph: *Provided,* That the Class I price shall not be more than 30 cents in excess of, nor less than 15 cents in excess of, the Class I price effective for the same month under the terms of the Greater Wheeling Federal milk order (Part 1002 of this chapter):

(1) Add the amount for the month indicated:

Month	Amount
February, March, April, May, June, and July	\$1.75
All others	2.20

(2) Add if the utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than, the standard utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph by 2 cents;

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk disposed of during the first and second preceding months from pool plants at which less than 50 percent of total receipts is milk from a plant(s) fully regulated pursuant to another order issued pursuant to the act into the total hundredweight of producer milk received at such pool plants during the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(4) Calculate a net utilization percentage by determining the amount by which the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds the higher figure or is less than the lower figure of the standard utilization range in the following table:

Month for which price applies	Months for which average utilization is computed	Standard utilization percentages	
		Minimum	Maximum
January	November-December	113	116
February	December-January	115	118
March	January-February	115	118
April	February-March	115	118
May	March-April	118	121
June	April-May	130	133
July	May-June	137	140
August	June-July	127	130
September	July-August	113	116
October	August-September	110	113
November	September-October	110	113
December	October-November	113	116

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of April 1958, to be effective on and after May 1, 1958.

DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-3177; Filed, Apr. 28, 1958; 8:52 a. m.]

[Docket No. AO-278-A1]

PART 1012—MILK IN BLUEFIELD
MARKETING AREA
ORDER AMENDING ORDER

§ 1012.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Bluefield marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1958. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk for the Bluefield marketing area. Any delay beyond May 1 in the effective date of this order will tend to affect adversely the production of an adequate supply of milk for the Bluefield marketing area.

The changes effected by this order amending the order do not require of persons affected substantial or extensive changes prior to the effective date. The provisions of the said order are well known to handlers, the public hearing having been held on February 11, 1958, the recommended decision having been issued on March 28, 1958 (23 F. R. 2199), and the final decision having been issued on April 14, 1958. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER.

In view of the foregoing, it is hereby found that good cause exists for making this order amending the order effective May 1, 1958 (sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding co-operative associations of producers who are not engaged in processing, distribut-

ing or shipping milk covered by this order amending the order) of more than 50 percent of the volume of milk covered by this order amending the order, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) This issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the representative period (January 1958), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Bluefield marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1012.11 and substitute the following:

§ 1012.11 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a fluid milk plant, or (b) diverted by the operator of a fluid milk plant for his account to a nonfluid milk plant: *Provided*, That milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant from which it was diverted.

2. Delete § 1012.42 (c) and substitute the following:

(c) Multiply the pounds of butterfat and skim milk, respectively, determined pursuant to paragraph (a) or (b) of this section, whichever is less, by the percentage of butterfat and skim milk which is Class II milk in the case of butterfat and skim (excluding that in milk diverted pursuant to § 1012.11 and shrinkage determined pursuant to paragraph (a) of this section) classified pursuant to § 1012.41 (a) and (b) (1), (2) and (3). The resulting amounts of skim milk and butterfat shall be classified as Class II milk; and

3. Delete § 1012.51 (a) and substitute the following:

(a) *Class I milk price.* For each month, ending with and including the month of October 1959, the Class I milk price shall be the basic formula price for the preceding month, plus \$1.45 during the months of April, May and June; plus \$1.70 during the months of March and July; and plus \$2.10 during

the months of August, September, October, November, December, January, and February.

4. In § 1012.51 (b) (1), delete the list of plants and substitute the following:

Company and Location

Pet Milk Company, Greeneville, Tenn.
Pet Milk Company, Abingdon, Va.
Carnation Company, Galax, Va.
Carnation Company, Murfreesboro, Tenn.
Carnation Company, Statesville, N. C.
Borden Company, Lewisburg, Tenn.
Borden Company, Chester, S. C.
Kraft Foods Company, Independence, Va.
Kraft Foods Company, Greeneville, Tenn.

5. Delete § 1012.80 and substitute the following:

§ 1012.80 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers from such producer during the months beginning with September of the preceding year and through February of the current year, by the number of days from the first day milk is received from such producer during said months to the last day of February, inclusive, but not less than 120 days.

6. Delete § 1012.82 (a) and substitute the following:

(a) A base shall be assigned to the producer for whose account milk is received at a fluid milk plant during the months beginning with September of the preceding year through February of the current year.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of April 1958, to be effective on and after May 1, 1958.

[SEAL]

DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-3175; Filed, Apr. 28, 1958; 8:51 a. m.]

[Amdt. 8]

PART 1015—CUCUMBERS GROWN IN
FLORIDA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to Marketing Agreement No. 118 and Order No. 115 (7 CFR Part 1015) regulating the handling of cucumbers grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Florida Cucumber Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable, unnecessary and contrary to the public interest to give preliminary

notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment for 30 days or any other period beyond the date specified (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of cucumbers, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted under the circumstances for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order as amended. Section 1015.301 (b) (23 F. R. 1169) is hereby amended to read as follows:

(b) *Order.* During the period from April 30, 1958, through July 31, 1958, the following regulations shall be effective with respect to all varieties of cucumbers grown in the production area:

(1) No person may handle cucumbers, except for conversion into pickles or relishes, unless the cucumbers meet the requirements of the U. S. Fancy, U. S. Extra No. 1, U. S. No. 1, U. S. No. 1 Small, or U. S. No. 1 Large grades, and not larger than 2½ inches in diameter:

(2) Each handler may handle up to, but not to exceed, one bushel (54 pounds net) of cucumbers per day without regard to the requirements of this section, but this exception shall not apply to any portion of a shipment over one bushel of cucumbers.

(3) No person may handle cucumbers unless the cucumbers are so packed that they meet the grade requirements of this section and one of the applicable pack specifications established in § 1015.101 (23 F. R. 1168). Each container of cucumbers in each lot, or portion of a lot, shall be marked or stamped to show the U. S. grade applicable to such lot pursuant to the pack specifications established in § 1015.101 and as certified by the Federal-State Inspection Service. The marking or stamping shall be in letters at least one-half inch high and so placed on each container as to be conspicuous and legible.

(4) No person may handle any cucumbers unless the cucumbers are inspected and certified pursuant to the provisions of § 1015.60; and

(5) The grades used in this section shall have the same meanings assigned these terms in the United States Standards for Cucumbers (§§ 51.2220 through 51.2239 of this title; 23 F. R. 1165), including the tolerances set forth therein, and all other terms shall have the same meanings as when used in this part.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated April 25, 1958, to become effective April 30, 1958.

[SEAL]

S. R. SMITH,

Director,

Fruit and Vegetable Division.

[F. R. Doc. 58-3216; Filed, Apr. 28, 1958; 9:18 a.m.]

[Amdt. 4]

PART 1070—CUCUMBERS

IMPORT RESTRICTIONS; MINIMUM QUANTITIES

Pursuant to regulations issued under Marketing Agreement No. 118 and Order No. 115 (7 CFR Part 1015), regulating the handling of cucumbers grown in Florida, and in accordance with the requirements of section 8e of the Agriculture Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), paragraphs (b) Import restrictions and (c) Minimum quantities of § 1070.1 (Cucumber Regulation No. 1; 22 F. R. 9045, 9690, 9917; 23 F. R. 1169) are amended to read as follows:

(b) *Import restrictions.* During the period from May 4, 1958, through July 31, 1958, and subject to the general regulations (Part 1060 of this chapter) applicable to the importation of listed commodities and the requirements of this section, no person may import any cucumbers of any variety unless the cucumbers meet the requirements of U. S. No. 1 or better grade, and have a maximum diameter of not larger than 2½ inches.

(c) *Minimum quantities.* Any lot of cucumbers which, in the aggregate, does not exceed 54 pounds may be imported without regard to the provisions of paragraph (b) or (e) of this section.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this mandatory regulation beyond that herein specified (5 U. S. C. 1001 et seq.) in that (i) the requirements established by this amended import regulation are issued pursuant to section 8e of the Agriculture Marketing Agreement Act of 1937, as amended (supra), which make such amended regulation mandatory; (ii) the regulations hereby established for cucumbers that may be imported into the United States comply with grade, quality and maturity restrictions imposed upon domestic cucumbers under Marketing Agreement No. 118 and Order No. 115 (§ 1015.301, as amended); (iii) compliance with this cucumber import regulation should not require any special preparation by importers which cannot be completed by the effective date; and (iv) notice hereof is hereby determined to be reasonable in accordance with the requirements of the Act and is in excess of the minimum period of three days specified in the Act.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 606c. Interprets or applies sec. 401, 68 Stat. 906, 1047; 7 U. S. C. 608e)

Dated April 25, 1958, to become effective May 4, 1958.

[SEAL]

S. R. SMITH,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3217; Filed, Apr. 28, 1958; 9:18 a.m.]

TITLE 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

PART 327—ASSESSMENTS

ASSESSMENT DECISIONS

The following amendments of assessment decisions have been adopted:

1. Section 327.123 is amended to read as follows:

§ 327.123 *Assessment Decision No. 23; cash items eligible for deduction as exchanges.* (a) The term "cash item" as used in the Federal Deposit Insurance Act and in the rules and regulations refers to items eligible for deduction under local and outside exchanges. Cash items eligible for deduction are defined in § 327.1 (b), effective March 30, 1954. A cash item eligible for deduction as defined therein must meet the following requirements:

(1) The instrument, check, or draft must provide for the payment of money.

(2) The instrument, check, or draft must have been received by the reporting bank in the regular course of business.

(3) The instrument, check, or draft must be in the process of collection.

(4) The instrument, check, or draft must be payable on presentation.

(5) In consideration thereof the reporting bank must have done one of the following:

(i) Given credit to a deposit account;

(ii) Issued a credit instrument;

(iii) Paid the item (see § 327.125 Assessment Decision No. 25, Cash Items Paid by the Reporting Bank);

(iv) Credited the amount thereof upon an indebtedness to the bank; or

(v) Received the instrument in payment for Series E bonds or other security (not an asset of the bank), or as a collection for public utility service, or in a like transaction: *Provided, however,* That an instrument received in payment of, or arising from, the sale or other disposition of any of the bank's assets is not a cash item.

(6) The payer or drawee of the instrument, check, or draft, must be a bank or person other than the reporting bank.

(b) The following are examples which do not meet the requirements of a cash item eligible for deduction:

(1) Any instrument received in payment of or arising from the sale or other disposition of any of its assets.

(2) A draft payable at a future date such as upon arrival of a car.

(3) Any instrument, check, or draft received in payment of clearings.

(4) Any instrument, check, or draft received in payment for cash items paid

or credited to a deposit account and forwarded for collection.

(5) Drafts issued to transfer its own funds.

(6) Any instrument, check or draft drawn and delivered to a bank, or exchanged between banks, or drawn by an officer, director, stockholder, or affiliate of the reporting bank, or by any other person or corporation for the purpose of abnormally increasing deposits or reducing assessments with deductions on the base day. However, where such an instrument has been credited to a deposit account and included in the reported deposits and is in the process of collection at the close of business on a base day, it may be subtracted under Item F of the Certified Statement in its actual amount from reported deposits in computing the assessment base: *Provided,* That if a bank computes its assessments under the (aa) method, such instruments may not be subtracted unless they are received and reflected on the books of the bank as a part of the business of the base day, in accordance with the normal procedure of the bank.

(7) Any instrument, check, or draft received by the reporting bank drawn on any branch or office of the reporting bank.

(8) Any instrument, check, or draft held by the reporting bank until made good by the maker or endorser.

(c) For definition of cash item for the base day from September 21, 1950 through the December 31, 1953 base day, see footnote 5.

* For the period based upon deposits from July 1, 1950 through the December 31, 1953 base day, the definition of a cash item appeared in § 327.1 (a) of the rules and regulations in effect to March 30, 1954. The above items in subparagraphs (1), (2), (3) and (4) of paragraph (a) of this section were the same for that period but the items in subparagraphs (5) and (6) of paragraph (a) of this section were different so that the definition for said period included checks and drafts for which cash or other consideration was given and included instruments, checks or drafts where the payer or drawee was a branch office or a main office of the reporting bank other than the office where the item was received.

The principal differences between cash items eligible for deduction prior to March 30, 1954, and those eligible for deduction thereafter are as follows:

1. After July 1, 1950, and prior to March 30, 1954, but not thereafter, the bank could include in cash items eligible for deduction instruments drawn on other banks received in payment of or arising from the sale or other disposition of any of its assets.

2. After July 1, 1950, and prior to March 30, 1954, but not thereafter, the reporting bank could include in cash items eligible for deduction instruments, checks, or drafts re-

* Prior to the March 31, 1958 assessment base day, the instruments described in subparagraph (6) of paragraph (b) of this section were ineligible for deduction as cash items or otherwise, but thereafter they may be deducted in their actual amount if included in reported deposit liabilities, and remain uncollected at the close of business on the base day.

See §§ 327.127, 327.128 and 327.130, Assessment Decisions No. 27, Cash Items Deductions; Local, No. 28, Cash Items Deductions; Outside, and No. 30, Cash Items Deductions; Change in Alternate Method.

collected by the reporting bank on the base days drawn on another branch or office of the reporting bank.

3. After July 1, 1950, and prior to March 30, 1954, the reporting bank could not include in cash items eligible for deduction any instruments, other than checks or bank drafts for which it had given cash. This limitation was removed in the regulations effective March 30, 1954, so that thereafter instruments other than checks and bank drafts, such as postal money orders and interest coupons could be included in cash items eligible for deduction if cash was given therefor.

2. Section 327.125 is amended to read as follows:

§ 327.125 Assessment Decision No. 25; cash items paid by the reporting bank.

(a) Only items credited to deposit accounts or paid are eligible for deduction. (See § 327.123 Assessment Decision No. 23, Cash Items Eligible for Deduction as Exchanges, for a definition of a cash item.)

(b) In the amended rules and regulations, effective March 30, 1954, the word "paid" is defined to include items for which the bank has given cash, received as a payment on a debt to the bank, received in payment for a Series E bond or other security (not an asset of the bank), and as a collection for public utilities service or in a similar transaction.

(c) It is specifically provided in said amended rules and regulations that an instrument received by the bank in payment of, or arising from, the sale or other disposition of any of its assets is not a cash item.

(d) Following are examples of items considered "paid" and eligible for deduction as cash items if they meet all the other requirements of a cash item:

(1) Items cashed over the counter.
(2) Items received and paid for in local clearings or paid for in cash letters received.

(3) Items received as a payment on, or in payment of, a note to the bank.

(4) Items received as a payment on principal or interest on a mortgage held by the bank, not arising from the sale of its own property.

(5) Items received in payment of rent to the bank on wholly owned real estate.

(e) Following are examples of items not within the definition of "paid" and ineligible for deduction:

(1) Items received for the sale or other disposition of securities owned by the bank. (See § 327.139 Assessment Decision No. 39, Checks and Drafts Received for the Sale or Other Disposition of the Bank's Own Assets.)

(2) Items received for the sale of notes or mortgages owned by the bank. (Note the distinction between an item received for the sale of a note or mortgage owned by the bank which is ineligible for deduction and an item received as a payment on a note or mortgage not arising from the sale of its own property, which is an eligible deduction.) (See § 327.139 Assessment Decision No. 39, Checks and Drafts Received for the Sale or Other Disposition of the Bank's Own Assets.)

(3) Instruments received in payment for cash items previously paid or credited

to deposit accounts and previously forwarded for collection. (See § 327.138 Assessment Decision No. 38, Checks or Drafts Received in Payment of Cash Items Forwarded for Collection.)

(4) Instruments received in payment of clearings. (See § 327.137 Assessment Decision No. 37, Checks or Drafts Received in Payment of Clearings.)

(5) Drafts drawn by the reporting bank to transfer its own funds. (See § 327.176 Assessment Decision No. 76, Drafts for Transfer of Bank's Own Funds.)

(6) Instruments, checks or drafts drawn and delivered to a bank, or exchanged between banks, or drawn by an officer, director, stockholder, or affiliate of the reporting bank, or by any other person or corporation for the purpose of abnormally increasing deposits or reducing assessments with deductions on the base day.* (See § 327.202 Assessment Decision No. 102, Instruments Drawn for the Purpose of Abnormally Increasing Deposits or Deductions.)

(f) For the definition of cash items for the base days from September 21, 1950, through December 31, 1953, see footnote 6.

* For the period from July 1, 1950, to March 30, 1954, the definition of "paid" was in § 327.1 (a) of the rules and regulations. For that period, the term "paid" was deemed to include checks or bank drafts for which the bank had given cash or other consideration. For that period the only nondeposit items eligible for deduction were checks and bank drafts. Thus, Series E bonds cashed or any coupons cashed were ineligible for deduction prior to March 30, 1954, but are eligible for deduction thereafter. From July 1, 1950, to March 30, 1954, the reporting bank could include in cash items eligible for deduction the checks and drafts drawn on other banks received in the sale of any of its assets. Such items are ineligible for deduction after March 30, 1954.

3. Section 327.153 is amended to read as follows:

§ 327.153 Assessment Decision No. 53; deductions; in general. (a) The assessment for deposit insurance is based upon the bank's liability for deposits. Certain deposits are exempt from assessment under specific provisions of the Federal Deposit Insurance Act and these exempt provisions are known as "exclusions". (See § 327.157 Assessment Decision No. 57, Deposit Exclusions, In General.)

(b) Certain deductions may be made from the total of reported deposits: *Provided, however,* That no deduction may be made unless the items deducted have been included in the total of the reported deposits with the exception of cash items paid. (See § 327.125 Assessment Decision No. 25, Cash Items Paid by the Reporting Bank.)

(c) The eligible deductions from reported deposits include the following:

* Prior to the March 31, 1958, assessment base day, the instruments described in subparagraph (6) of paragraph (e) of this section were ineligible for deduction as cash items or otherwise, but thereafter they may be deducted in their actual amounts if included in reported deposit liabilities and remain uncollected at the close of business on the base day.

(1) Cash items in the process of collection. (See § 327.123 Assessment Decision No. 23, Cash Items Eligible for Deduction as Exchanges.)

(2) Trust funds deposited by the reporting fiduciary bank in other insured banks. (See § 327.263 Assessment Decision No. 163, Trust Funds Deposited in Other Banks.)

(3) Checks drawn against the reporting bank which it has paid or credited to deposit accounts but has not yet subtracted from the control account for deposits. (See § 327.104 Assessment Decision No. 4, Accumulated Checks of Customers.)

(4) Checks issued in payment for securities purchased for the bank's own portfolio. (See § 327.144 and § 327.133 Assessment Decisions No. 44, Commercial Paper Purchased, and No. 33, Cashiers' and Other Officers' Checks.)

(5) Expense checks or cashiers' checks issued in payment of the bank's own expenses. (See § 327.133 Assessment Decision No. 33, Cashiers' and Other Officers' Checks.)

(6) Deposits representing the bank's own funds. (See § 327.162 Assessment Decision No. 62, Deposits Representing the Bank's Own Funds.)

(7) Checks issued in payment of dividends on the bank's own stock. (See § 327.165 Assessment Decision No. 65, Dividend Checks and Deposits.)

(8) An item drawn against a deposit account in the main office or branch office of the reporting bank which is received by an office of the reporting bank other than the office where the deposit account is carried and which has been paid or credited to a deposit account, if not subtracted from the control of deposits may be deducted therefrom. (See § 327.117 Assessment Decision No. 17, Branch Items.)

(9) Deposit accounts set up merely to record the amount of commitments for loans where interest is not payable on such commitments. (See § 327.145 Assessment Decision No. 45, Commitments for Loans.)

(10) An item received for the purpose of abnormally increasing deposits or reducing assessments with deductions on any assessment base day which has been credited to a deposit account and included in reported deposit liabilities and is in the process of collection. (See § 327.202 Assessment Decision No. 102, Instruments Drawn for the Purpose of Abnormally Increasing Deposits or Deductions.)

(d) Reciprocal bank balances with insured banks may also be deducted to the extent explained in § 327.233 Assessment Decision No. 133, Reciprocal Bank Balances.

4. Section 327.202 is amended to read as follows:

§ 327.202 Assessment Decision No. 102; instruments drawn for the purpose of abnormally increasing deposits or deductions. (a) No deductions as cash items may be claimed for instruments which are received for the purpose of abnormally increasing deposits or reducing assessments with deductions on the base day. This includes, but is not

limited to, drafts drawn and delivered to a bank, or exchanged between banks, or drawn by an officer, director, stockholder, or affiliate of the reporting bank, or by any other person or corporation for the purpose of abnormally increasing deposits or reducing assessments with deductions on the base day.

(b) However, where such an instrument has been credited to a deposit account and included in reported deposit liabilities and is in the process of collection at the close of business on a base day, it may be subtracted under Item F of the Certified Statement in its actual amount from reported deposits in computing the assessment base; *Provided*, That where a bank claims deductions for cash items under the (aa) method, such instruments may not be subtracted unless they are received and reflected on the books of the bank as a part of the business of the base day, in accordance with the normal procedure of the bank.

(c) This applies to any abnormal transactions designed to abnormally increase deposits or reduce assessments with deductions on any base day, including deductions for reciprocal bank balances or any other type of deductions. A factor in determining the purpose will be the length of time the funds remain on deposit and whether the withdrawal is in substantially the same amount as the credit given.

(Sec. 9, 64 Stat. 882; 12 U. S. C. 1819)

FEDERAL DEPOSIT INSURANCE

CORPORATION,

[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 58-3164; Filed, Apr. 28, 1958;
8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 7]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.6629 is added to read:

§ 600.6629 VOR civil airway No. 1529 (Los Angeles, Calif., to Pembina, N. Dak.). From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 057° and the Daggett omnirange 235° radials; Daggett, Calif., omnirange station; Las Vegas, Nev., omnirange station; Mormon Mesa, Nev., omnirange station; Milford, Utah, omnirange station; Myton, Utah,

omnirange station; Rawlins-Cherokee, Wyo., omnirange station; Casper, Wyo., omnirange station; Dickinson, N. Dak., omnirange station; to the Pembina, N. Dak., radio range station.

2. Section 600.6631 is added to read:

§ 600.6631 VOR civil airway No. 1531 (San Francisco, Calif., to U. S.-Canadian Border). From the point of intersection of the Oakland omnirange 217° and the Salinas, Calif., omnirange 319° radials via the Oakland, Calif., omnirange station; Sacramento, Calif., omnirange station; intersection of the Sacramento omnirange 055° and the Reno omnirange 230° radials; Reno, Nev., omnirange station; Lovelock, Nev., omnirange station; Battle Mountain, Nev., omnirange station; Elko, Nev., omnirange station; Wells, Nev., omnirange station; Pocatello, Idaho, omnirange station; Billings, Mont., omnirange station; Miles City, Mont., omnirange station; Dickinson, N. Dak., omnirange station; Minot, N. Dak., omnirange station; to the Brandon, Manitoba, nondirectional radio beacon.

3. Section 600.6633 is added to read:

§ 600.6633 VOR civil airway No. 1533 (San Francisco, Calif., to U. S.-Canadian Border). From the point of intersection of the Oakland, Calif., omnirange 217° and the Salinas, Calif., omnirange 319° radials via the Oakland, Calif., omnirange station; Sacramento, Calif., omnirange station; intersection of the Sacramento omnirange 346° and the Red Bluff omnirange 158° radials; Red Bluff, Calif., omnirange station; intersection of the Red Bluff omnirange 018° and the Klamath Falls omnirange 181° radials; Klamath Falls, Oreg., omnirange station; Redmond, Oreg., omnirange station; Pendleton, Oreg., omnirange station; Mullan Pass, Idaho, omnirange station; to the Cowley, Alberta, radio range station.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., May 29, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator
of Civil Aeronautics.

APRIL 22, 1958.

[F. R. Doc. 58-3141; Filed, Apr. 28, 1958;
8:45 a. m.]

[Amdt. 7]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Pro-

cedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.6629 is added to read:

§ 601.6629 VOR civil airway No. 1529 control areas (Los Angeles, Calif., to Pembina, N. Dak.). All of VOR civil airway No. 1529.

2. Section 601.6631 is added to read:

§ 601.6631 VOR civil airway No. 1531 control areas (San Francisco, Calif., to U. S.-Canadian Border). All of VOR civil airway No. 1531.

3. Section 601.6633 is added to read:

§ 601.6633 VOR civil airway No. 1533 control areas (San Francisco, Calif., to U. S.-Canadian Border). All of VOR civil airway No. 1533.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., May 29, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator
of Civil Aeronautics.

APRIL 22, 1958.

[F. R. Doc. 58-3142; Filed, Apr. 28, 1958;
8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

MISCELLANEOUS AMENDMENTS

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These schedules are effective from the date of publication in the FEDERAL REGISTER.

Section 230.11 Descriptive list is amended as follows:

1. Paragraph (g) Ceramic materials is amended by the addition of samples 181, 182, and 183 to read as follows:

Lithium ores.¹

Sample No.	Name	% Li ₂ O	Approximate weight of sample in grams	Price per sample
181	(Spodumene)---	6.30	45	\$4.00
182	(Petalite)-----	4.34	45	4.00
183	(Lepidolite)-----	4.12	45	4.00

2. Paragraph (p) Standards for rubber compounding is amended to change the title and to add samples 383, 385, and 387 to read as follows:

¹ Certified only for Li₂O at this time.

(p) *Standard rubbers and rubber compounding materials—(1) Rubbers.*¹

Sample No.	Name	Approximate weight of sample in grams	Price per sample
385	Natural rubber.....	31,500	\$44.00
386	Styrene-butadiene, type 1500.	34,000	27.00
387	Styrene-butadiene, type 1000.	34,000	23.00

(2) *Rubber compounding materials.*¹

Sample No.	Name	Approximate weight of sample in grams	Price per sample
370a	Zinc oxide.....	2,000	\$2.15
371b	Sulfur.....	1,400	1.75
372a	Stearic acid.....	800	1.90
373b	Benzothiazyl-disulfide.....	500	1.75
374a	Tetramethylthiuram-disulfide.....	500	3.50
375e	Channel black.....	7,500	3.50
376a	Light magnesia.....	450	2.40
377	Phenyl - beta - naphthylamines.....	600	4.00
378	Oil furnace black.....	7,000	3.50
379	Conducting black.....	5,800	3.50
380	Calcium carbonate.....	6,000	2.50
381	Calcium silicate.....	4,000	2.50
382	Gas furnace black.....	7,500	3.50
383	Mercaptobenzothiazole.....	800	2.75

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interprets or applies sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276)

A. V. ASTIN,
Director,
National Bureau of Standards.

Approved: April 22, 1958.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58-3159; Filed, Apr. 28, 1958; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 41—SERVICE IN POST OFFICES

BOX RENTAL FEES

The proposed amendments to paragraph (c) of § 41.3 published in the FEDERAL REGISTER of December 14, 1957, at page 10064 (22 F. R. 10064) are adopted as the regulations of the Post Office Department, effective July 1, 1958, with the following changes:

1. Subparagraph (2) (i) (a) is amended to read as follows:

(a) With the exception of rural station and stations and branches primarily servicing academic institutions, box fees at stations and branches of first-class offices will be related to the fees established at the main office. The fees at such stations and branches generally will be those prescribed at the main office or those prescribed for the first or second group below those charged at the main office, depending upon the level of postal activity and the value of service rendered at such stations or branches.

¹ Normally, samples are shipped railway express, express charges collect.

2. Subdivision (iii) of subparagraph (2) is amended to read as follows:

(iii) *Academic institutions.* The following regulations will apply only to stations and branches primarily servicing academic institutions when the box equipment is owned or supplied by the academic institutions:

(a) When box equipment is separated from designated post office quarters and the mail is placed in the boxes by personnel employed by the school, box rental fees, if any, are subject to the control of the academic institution and the revenues therefrom, if any, shall not be considered as postal funds.

(b) When box equipment is not separated from designated post office quarters or the mail is not placed in the boxes by personnel employed by the academic institution, call and lockboxes shall be charged on the basis of the following schedule and all revenues therefrom shall be considered as postal funds. Fees may be paid on an annual basis or on either a semester or quarterly basis to coincide with the system used by the school. Box rental fees applicable during the summer session of schools operating on a semester basis will be one-half the regular semester rates.

	Call boxes		Lockboxes				
	No. 1	No. 2	No. 1	No. 2	No. 3	No. 4	No. 5
Per semester.....	\$0.30	\$0.40	\$0.50	\$0.60	\$0.90	\$1.50	\$2.40
Per quarter.....	.20	.30	.35	.40	.60	1.00	1.60

The regulations, as adopted, read as follows:

In § 41.3 *Post office boxes*, amend paragraph (c) to read as follows:

(c) *Rental rates—(1) Boxes at main offices—(i) Classification of offices.* The following nine groups of post offices have been established for purposes of setting rental fees for call and lockboxes:

POST OFFICES WITH CITY CARRIER SERVICE

Group A: This group consists of the largest first-class post offices in the postal system. These offices usually have annual postal receipts in excess of five million dollars, usually employ a thousand or more regular employees, and have postmasters in salary level 16 or above.

Group B: Post offices of this group usually have annual receipts ranging from one and one-half to five million dollars, have approximately 300 to 1,000 employees, and have postmasters in salary levels 14 or 15.

Group C: Post offices of this group usually have annual receipts ranging from \$500,000 to one and one-half million dollars, have approximately 60 to 300 employees, and have postmasters in salary levels 12 or 13.

Group D: This group of post offices usually have annual receipts ranging from \$100,000 to \$500,000, have approximately 25 to 60 employees, and have postmasters in salary levels 10 or 11.

Group E: This group mainly consists of larger second-class and smaller first-class

offices offering city delivery service, with annual receipts usually ranging from \$20,000 to \$100,000, and with approximately 5 to 25 employees. Postmasters of these offices are in salary levels 7, 8, or 9.

POST OFFICES WITHOUT CITY CARRIER SERVICE

Group F: Post offices of this group mainly consist of smaller first-class and larger second-class offices that do not offer city or village letter carrier service, with annual receipts usually ranging from \$16,000 to \$60,000, and with approximately 5 to 20 employees. However, some larger first-class post offices which do not provide city-carrier service are also included in this group. Postmasters of these offices are in salary level 8 or above.

Group G: This group is composed of larger third-class offices and smaller second-class offices none of which offer city letter carrier service. Annual receipts of these offices usually range from \$6,000 to \$16,000 and fewer than six employees are usually employed. This group includes all non-city carrier offices with postmasters in salary level 7.

Group H: This group consists of smaller third-class offices none of which offer city letter carrier service. Annual receipts of these offices generally range between \$1,500 and \$6,000. Postmasters of these offices are in salary levels 5 or 6.

Group I: This group is composed of all fourth-class offices.

(ii) *Rate schedule.* The quarterly box rent schedules for main post offices are as follows:

Post Office groups	Rate per quarter						
	Call boxes		Lock boxes and drawers				
	Size No.		Size No.				
	1	2	1	2	3	4	5
Cubic-inch capacity	Cubic-inch capacity		Cubic-inch capacity				
	To 225	225 to 500	To 225	225 to 500	500 to 900	900 to 1,000	1,000 and over
Offices with city carrier service:							
Group A.....	\$2.25	\$3.00	\$4.50	\$6.00	\$3.00	\$10.00	\$12.00
Group B.....	1.50	2.25	3.00	4.50	6.00	7.50	9.00
Group C.....	1.10	1.60	2.25	3.00	4.50	6.00	7.50
Group D.....	.80	1.10	1.70	2.25	3.00	4.50	6.00
Group E.....	.65	.80	1.20	1.50	2.25	3.00	4.50
Offices without city carrier service:							
Group F.....	.50	.65	.90	1.10	1.50	2.25	3.00
Group G.....	.35	.50	.70	.90	1.10	1.50	2.25
Group H.....	.20	.30	.50	.65	.90	1.10	1.50
Group I.....	.15	.20	.35	.50	.65	.90	1.10

(2) *Boxes at stations and branches—*

(i) *First class offices.* (a) With the exception of rural stations and stations and branches primarily servicing academic institutions, box fees at stations and branches of first class offices will be related to the fees established at the main office. The fees at such stations and branches generally will be those prescribed at the main office or those prescribed for the first or second Group below those charged at the main office depending upon the level of postal activity and the value of service rendered at such stations or branches.

(b) All rural stations will charge the fees as prescribed for Group I post offices.

(ii) *Second- and third-class offices.* (a) With the exception of rural stations and stations and branches primarily servicing academic institutions, stations and branches of second- and third-class post offices will charge the same box rental fees as those at the main office.

(b) All rural stations will charge the fees as prescribed for Group I post offices.

(iii) *Academic institutions.* The following regulations will apply only to

stations and branches primarily servicing academic institutions when the box equipment is owned or supplied by the academic institutions:

(a) When box equipment is separated from designated post office quarters and the mail is placed in the boxes by personnel employed by the school, box rental fees, if any, are subject to the control of the academic institution and the revenues therefrom, if any, shall not be considered as postal funds.

(b) When box equipment is not separated from designated post office quarters or the mail is not placed in the boxes by personnel employed by the academic institution, call and lockboxes shall be charged on the basis of the following schedule and all revenues therefrom shall be considered as postal funds. Fees may be paid on an annual basis or on either a semester or quarterly basis to coincide with the system used by the school. Box rental fees applicable during the summer session of schools operating on a semester basis will be one-half the regular semester rates.

	Call boxes		Lockboxes				
	No. 1	No. 2	No. 1	No. 2	No. 3	No. 4	No. 5
For semester.....	\$0.30	\$0.40	\$0.50	\$0.60	\$0.90	\$1.50	\$2.40
For quarter.....	.20	.30	.35	.40	.60	1.00	1.60

(3) *General regulations.* (i) In new box rentals the postmaster will make every effort to rent a box with sufficient capacity to handle estimated average daily mail volume of the patron.

(ii) In cases where the average daily volume of mail received by a patron now renting a box exceeds the capacity of the box now rented and if larger size boxes are available, postmasters will encourage the patron to advance to a box of sufficient capacity at the start of the next fiscal year. Advance cooperative arrangements will be made with such patrons to minimize any problem which a change in box number might occasion.

(iii) Certain instances arise when boxes of sufficient capacity are not available or cannot be provided because of

practical considerations to handle the average daily mail volume of a patron. In such cases special arrangements may be entered into by postmasters to provide a box number and utilize bags or other containers in lieu of lockboxes. The fee for such a service shall be equivalent to the rental that would be collected if the patron had been provided with the largest size box contained in the installation.

NOTE: The corresponding section in the Postal Manual is section 151.33.

(R. S. 161, 396, as amended, 3901, 4051; 5 U. S. C. 22, 369, 39 U. S. C. 279, 783)

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

[P. R. Doc. 58-3193; Filed, Apr. 28, 1958; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 514]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

AIRCRAFT FLIGHT RECORDER

The proposed regulation § 514.50 establishes minimum performance standards for aircraft flight recorders to be used in civil aircraft of the United States. All interested persons who desire to submit comments and suggestions for

consideration by the Administrator of Civil Aeronautics in connection with the proposed rule should send them to the Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Section 514.50 is added under Subpart B of this part to read as follows:

§ 514.50 *Aircraft flight recorder—TSO-C51—(a) Applicability—(1) Minimum performance standards.* Minimum performance standards are hereby established for aircraft flight recorder instruments which specifically are required to be approved for use in civil

aircraft of the United States. Aircraft flight recorder instruments to be eligible for installation in civil aircraft shall meet the standards set forth in CAA-CAB standard, "Aircraft Flight Recorder Instrument", dated March 13, 1958.¹

(b) *Marking.* In addition to the information required in § 514.3, the rating (nominal voltage and wattage) shall also be marked on the instrument.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

(Sec. 205, 52 Stat. 994, 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator
of Civil Aeronautics.

APRIL 22, 1958.

[P. R. Doc. 58-3140; Filed, Apr. 28, 1958; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 1, 4b, 40, 41, 42, 43, 60]

[Draft Release No. 58-9]

SPECIAL REGULATIONS TO PROVIDE FOR PROVISIONAL CERTIFICATION AND OPERATION OF MULTIENGINE TURBINE-POWERED TRANSPORT AIRPLANES FOR WHICH TYPE CERTIFICATES HAVE NOT BEEN ISSUED

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board the adoption of a Special Civil Air Regulation as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by May 29, 1958. Copies of such communications will be available after June 3, 1958, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The aviation industry of the United States has been engaged for several years in a vast program of design, development, and production of turbine-powered transports. Several hundred of these transports have been ordered by United States' air carriers at a cost of nearly two billion dollars. One airplane of this type has already been flown by the manufacturer for several hundred

¹ Copies may be obtained from the CAA Aircraft Engineering Division (W-241), Washington 25, D. C.

hours in an extremely varied and rigorous flight test program. Other types are in various stages of design, production, and testing by their manufacturers.

Certain air carriers have expressed the desire to operate these airplanes prior to completion of the type certification programs. The air carriers have indicated in particular that they desire to conduct crew training and obtain as much experience as possible in ground handling, maintenance, and flight of these new airplanes prior to their introduction into commercial service. Although certain limited operations of this nature have been permitted by the Administrator in the past, he has advised the Board that he considers his authority under Part 1 of the Civil Air Regulations inadequate for him to grant permission for the operations presently contemplated by the air carriers. The Bureau is of the opinion, however, that such operations by air carriers intending to use the airplanes in air carrier service will be in the public interest and should be permitted and encouraged prior to completion of type certification procedures provided appropriate operating limitations are imposed. This will afford technical personnel of the air carriers, the Civil Aeronautics Administration, the Civil Aeronautics Board, and others an excellent opportunity to become familiar with the new equipment before it is used in air transportation.

These airplanes are being built, to the best of the manufacturers' knowledge and ability, to comply with the requirements of the Civil Air Regulations applicable to transport category airplanes. However, manufacturers of several of these types of airplanes have not yet demonstrated compliance with the standards established in these regulations for the issuance of type certificates. In making these demonstrations, the manufacturers would permit such descriptive data, test reports, and computations as are necessary to demonstrate that the airplanes comply with the requirements of Part 4b. In addition, it is the CAA policy that the manufacturers' test pilots certify that the airplanes have been flown at least in all maneuvers necessary for proof of compliance with the flight requirements of Part 4b and Special Civil Air Regulation No. SR-422.

Normally, during the development of a new type airplane, the manufacturer applies to the Administrator for an experimental certificate. The Administrator thereafter issues a certificate in accordance with Part 1 of the Civil Air Regulations if he finds that the airplane may be safely test flown by the manufacturer to show compliance with the Civil Air Regulations for the issuance of a type certificate. The Administrator prescribes appropriate operating restrictions, including the prohibition of carrying persons or property for compensation or hire. Such certificates remain effective for one year. It is the policy of the CAA during these processes to do everything possible to encourage legitimate experimentation leading to improvement in airplanes whenever this may be done without endangering persons and property involved in the experimentation. In

the present situation, turbine-powered transports have been issued experimental certificates in order that flight test programs may be completed. Historically, however, and in keeping with the intent of section 603 (a) (1) and (c) of the Civil Aeronautics Act of 1938, as amended, operations conducted in airplanes so certificated have been limited for the most part to flight test work.

It is the practice of manufacturers to initiate production of airplanes of a new type while they are accomplishing the type certification program. Thus, many airplanes may be completed prior to issuance of the basic type certificate; the number produced by various manufacturers will, of course, vary with orders on hand and anticipated demand for the airplanes.

Since these airplanes have not been completely tested and shown to meet the applicable airworthiness requirements, it is prudent that training and service testing operations by air carriers be carefully controlled to insure the maximum possible safety of persons and property. In determining the nature and extent of precertification operations which could usefully be conducted by air carriers, the Bureau has given attention to the following: Type and area of operations, operating limitations, permissive flight maneuvers, crew complement and qualifications, categories of persons who should be carried, and other special limitations. The Board has also solicited the views of appropriate industry and airman groups concerning the proposed operations of the new jets prior to completion of type certification. Those replying to the Bureau's inquiries generally endorsed maximum use by the air carriers of the new jet transports before they are used in commercial passenger service.

In such precertification operations, the Bureau considers that air carriers will be able to perform essential crew training and service tests and obtain useful information concerning fuel management, dispatching and traffic control procedures, and other operating practices. The Bureau does not consider, however, that at this time these transports should be operated in air transportation; i. e., carrying persons, property, or mail for compensation or hire. After the Board has had an opportunity to evaluate experience gained under this regulation, consideration will be given to limited carriage of cargo and mail if such is determined to be in the public interest.

Apart from the useful technical information which may be obtained from the proposed operations, an immediate important consideration is that of national prestige. Competition for world supremacy in air transportation is extremely keen. Various nations have produced or are developing jet transports which they hope will eventually be used extensively in global commercial operations. Speedy introduction of jets into the service of the United States is necessary, therefore, to assure the continued sound development of an air transportation system properly adapted to the needs of the foreign and domestic commerce of the United States, of the Postal

Service, and of the national defense. Regulation of these operations must be accomplished, however, in such manner as to insure the highest degree of safety consistent with the nature of the operation to be conducted.

Accordingly, the Bureau proposal herein would provide a means by which air carriers may use certain jet transports, which have not been type certificated by the Administrator, in crew training and simulated air carrier operations not in air transportation. Various procedures and limitations are set forth in the proposal to insure the maximum possible safety of persons and property consistent with the nature of the operations to be conducted. These provisions cover three separate aspects of the problem: Provisional type certification, provisional airworthiness certification, and operational rules.

In order to be eligible for the issuance of a provisional type certificate, the U. S. manufacturer of multiengine turbine-powered transport type airplanes must have already applied to the Administrator for the issuance of a transport category type certificate. Furthermore, to insure that this authority is extended only to manufacturers who have had experience in building transport type airplanes in accordance with the Civil Air Regulations, applications will be considered only from manufacturers who previously have received a type certificate for at least one airplane in the transport category and have a production certificate for that type. The Board also proposes that the Civil Aeronautics Administration's official flight test program with respect to transport type certification shall be in progress; and that this flight test program shall have progressed to the extent that the Administrator can reasonably predict that transport type certification will be completed within six months. In view of the fact that full certification will not have been completed, however, the proposed regulation necessarily places a great reliance on the experience, reliability, and integrity of the manufacturers. For example, they will be required to certify that the airplanes for which provisional type certification is sought have been designed and constructed in accordance with the applicable airworthiness requirements of the Civil Air Regulations; have undergone certain flight testing; and are considered safe for the operations contemplated by this special regulation—also that special inspection and maintenance instructions have been established to insure safe operation of the airplanes. The Administrator will be required to find, on the basis of the provisions contained in this special regulation, that the airplanes have no features, characteristics, or conditions which render them unsafe when operated in accordance with the airplane flight manual which the manufacturers must prepare.

With respect to the airworthiness of airplanes for which provisional type certificates have been issued, considerable reliance is also placed on the experience of the manufacturers. For

example, the airplanes must be manufactured under a production and quality control system which is comparable to that required for the issuance of a production certificate; and each airplane shall have been flown at least five hours by the manufacturer and found by him to be in safe operating condition, and the manufacturer must present a statement that the airplane conforms to the terms of a provisional type certificate.

The Bureau proposes that operation of these airplanes be limited to holders of currently effective air carrier operating certificates issued in accordance with Part 40, 41, or 42 of the Civil Air Regulations. Operations which may be conducted include crew training and simulated air carrier operations not in air transportation. All operations must be conducted in accordance with the Civil Air Regulations of general applicability, such as Parts 43 and 60, and certain additional restrictions. For example, the airplanes must be operated in accordance with the airplane flight manual furnished by the manufacturers; specific procedures for operations at airports where the runways may require a take-off or approach over populated areas will be established and must be approved by the Administrator. Various other restrictions pertaining, in particular, to maintenance and airworthiness are imposed.

The Bureau has also received a recommendation that airplanes operated under this proposed special regulation be equipped with flight recorders. It is not contemplated that these flight recorders be limited to a type designed to meet the requirements of § 40.208 of Part 40. In this respect, the Bureau has been advised that extensive plans have been made for the installation of certain NACA recorders in a cooperative effort among aircraft manufacturers, air carriers, and the NACA. It is the Bureau's understanding, furthermore, that these instruments will be installed in the first airplanes to be delivered and will enable industry and government alike to obtain valuable technical data with respect to the operation of these airplanes under this special regulation. Specific comment is requested on this recommendation.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board the adoption of a Special Civil Air Regulation to read as follows:

Contrary provisions of the Civil Air Regulations notwithstanding, a multiengine turbine-powered transport airplane for which the issuance of a transport category type certificate is pending shall be eligible for provisional certification and operation in accordance with the provisions of this special regulation.

Section 1. Provisional type certificate—(a) Applicant. (1) Any U. S. manufacturer of a multiengine turbine-powered transport-type airplane may apply for the issuance of a provisional type certificate provided that he has applied to the Administrator for the issuance of a transport category type certificate for such airplane. The application for a provisional type certificate shall be made in a manner prescribed by the Administrator.

(2) The applicant shall be a manufacturer who has previously received a type certificate

for at least one airplane in the transport category and has a currently effective production certificate for that type.

(b) **Requirements for issuance.** The Administrator shall issue a provisional type certificate for an airplane for which application is made in accordance with paragraph (a) of this section when the conditions of subparagraphs (1) through (9) of this paragraph are met.

(1) The applicant shall submit the report of flight test required by § 4b.16 of Part 4b of the Civil Air Regulations and the Civil Aeronautics Administration's official flight test program with respect to the transport-type certification shall be in progress.

(2) On the basis of the progress made in the schedule established by the applicant for the type certification of the airplane, the Administrator can reasonably predict that such type certificate will be issued not later than 6 months from the date application was made for a provisional type certificate under this Special Civil Air Regulation.

(3) The applicant shall certify that to the best of his knowledge the airplane for which provisional type certification is sought has been designed and constructed in accordance with those airworthiness requirements applicable to the issuance of the type certificate for that airplane.

(4) An airplane conforming with the type for which a type certificate has been applied shall have been flown at least 100 hours by the applicant.

(5) The applicant shall have flown the airplane in all maneuvers necessary to show compliance with those flight requirements applicable to the issuance of the type certificate.

(6) The applicant shall have prepared a provisional airplane flight manual containing all the limitations, information, and procedures as are required for the issuance of the type certificate for that airplane: *Provided*, That where all limitations, information, and procedures have not been established, the applicant shall establish appropriate restrictions on the operation of the airplane.

(7) The applicant shall state that the airplane is considered safe for operation for the purposes set forth herein when conducted in accordance with the airplane flight manual prescribed in subparagraph (6) of this paragraph.

(8) The applicant shall establish special inspections and maintenance instructions which he considers necessary to insure safe operation of the airplane.

(9) The Administrator shall find, on the basis of the provisions contained in this special regulation, that the airplane has no feature, characteristic, or condition which renders it unsafe when operated in accordance with the airplane flight manual prescribed in subparagraph (6) of this paragraph.

(c) **Transferability.** A provisional type certificate issued under this special regulation shall not be transferable.

(d) **Duration.** A provisional type certificate shall remain in effect for 6 months, or 30 days after the airplane is issued a transport category type certificate, whichever occurs first, unless sooner superseded, revoked, or otherwise terminated by the Administrator or the Board.

Sec. II. Provisional airworthiness certificate—(a) Applicant. The holder of a provisional type certificate or a certificated U. S. air carrier may apply for the issuance of a provisional airworthiness certificate for an airplane for which a provisional type certificate has been issued in accordance with the provisions of section I of this special regulation. The application for a provisional airworthiness certificate shall be made in a manner prescribed by the Administrator.

(b) **Requirements for issuance.** (1) An applicant for a provisional airworthiness certificate for an airplane for which a provi-

sional type certificate has been issued shall be issued such provisional airworthiness certificate upon presentation of a statement of conformity by the manufacturer that such airplane conforms to the provisional type certificate.

(2) The airplane shall have been manufactured under a production and quality control system established in anticipation of and intended to be used as a basis for the production certificate to be issued to cover that airplane.

(3) The airplane shall have been flown at least 5 hours by the manufacturer and found by him to be in safe operating condition.

(4) The airplane shall be furnished with an airplane flight manual as required by Section I of this special regulation.

(5) The Administrator shall find on the basis of the provisions contained in this special regulation that the airplane has no feature, characteristic, or condition which renders it unsafe when operated in accordance with the airplane flight manual prescribed in Section I of this special regulation.

(6) The words "provisional airworthiness" shall be displayed near each entrance to the cabin or cockpit of the airplane with markings which shall be in letters not less than 2 inches in height.

(c) **Transferability.** A provisional airworthiness certificate issued under this special regulation shall not be transferable.

(d) **Duration.** A provisional airworthiness certificate shall remain in effect for 6 months, or 30 days after the airplane is issued a transport category type certificate, whichever occurs first, unless sooner superseded, revoked, or otherwise terminated by the Administrator or the Board.

Sec. III. Operation rules. An air carrier holding an air carrier operating certificate issued by the Administrator in accordance with Part 40, 41, or 42 of the Civil Air Regulations may operate multiengine turbine-powered transport category airplanes certificated in accordance with Sections I and II of this special regulation in accordance with the following operating rules:

(a) An air carrier may conduct flights for the purpose of crew training, service testing, and simulated air carrier operations not in air transportation, and such other operations as may be specifically authorized by the Board.

(b) Operations which are conducted for the purposes delineated in the definition of "flight test" in § 60.60 of Part 60 of the Civil Air Regulations shall be conducted in accordance with § 60.24.

(c) (1) The airplane shall be operated in accordance with the limitations, information, and procedures prescribed in the airplane flight manual prepared in accordance with Section I of this special regulation.

(2) An air carrier shall establish procedures for the use and guidance of flight and ground operations personnel in the conduct of its operations. Specific procedures for operations from airports where the runways may require a take-off or approach over populated areas will be made. These procedures shall be approved by the Administrator.

(d) In addition to crew members, only those persons listed in § 40.356 (c) of Part 40 shall be carried in operations conducted under this special regulation.

(e) (1) Each air carrier shall insure that each flight crew member possesses adequate knowledge of and familiarity with the airplanes and procedures to be used by him.

(2) Each air carrier shall maintain current records for each such flight crew member. These records shall contain such information as is necessary to show that the crew members are properly trained and qualified to perform their assigned duties.

(3) The appropriate instructor, supervisor, or check airman shall certify as to the proficiency of each flight crew member and such

certification shall become a part of the flight crew member's record.

(f) (1) Airplanes operated under this regulation shall be maintained in accordance with applicable Civil Air Regulations and any special inspections and maintenance instructions prescribed by the manufacturer or the Administrator.

(2) A log of flights conducted under this regulation shall be kept and made available to the Administrator, and accurate and complete records shall be kept of the inspections made and of all defects, difficulties, and unusual characteristics and sources of crew error discovered during operations, and of the recommendations made and action taken. Items for which design changes may be required will be reported to the manufacturer and the Administrator.

(3) No airplane issued a provisional airworthiness certificate under this special regulation shall be operated if the manufacturer or the Administrator determines that any change in design, construction, or operation is necessary to insure safe operation until such change is made. (See also § 1.24 of Part 1 of the Civil Air Regulations.)

(g) The provisional airworthiness certificate shall be prominently displayed in the airplane at all times.

(h) Operations under this special regulation shall be restricted to the United States, its territories, and possessions unless otherwise authorized by the Board.

This Special Civil Air Regulation shall terminate in 3 years unless sooner superseded or rescinded by the Board.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205a, 52 Stat. 984; 49 U. S. C. 425a. Interpret or apply secs. 601-610, 52 Stat. 1007, 1012, as amended, 49 U. S. C. 551-560)

Dated at Washington, D. C., April 22, 1958.

By the Bureau of Safety.

[SEAL]

OSCAR BARKE,
Director.

[F. R. Doc. 58-3169; Filed, Apr. 28, 1958; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 60; Chief Counsel's Order No. 1958-5]

CASES IN TAX COURT OF UNITED STATES

DELEGATION ORDER

1. Pursuant to the authority vested in the undersigned: *It is ordered*, That cases in the Tax Court of the United States shall be handled as provided in this order, as follows:

(a) *Pre-session cases.* Prior to the opening date of the session at which a case is calendared for trial or of any pre-trial hearing or of report session on a case, as to each such case:

(1) Settlement negotiations with the petitioner or his counsel or both shall be conducted by the Regional Appellate Division, with Regional Counsel invited to participate; and

(2) A settlement or concession of the case in whole or in part, negotiated or made by the Regional Appellate Division and concurred in by Regional Counsel will dispose of the case or the issue or issues involved; and

(3) If the Regional Appellate Division and Regional Counsel fail to agree (i) as to a proposed settlement or concession or (ii) that there should not be a settlement or concession the views of each of office shall be submitted by Regional Counsel to the Chief Counsel; and the decision of the Chief Counsel in such a case shall be controlling and action shall be taken in accordance with his memorandum as to the whole case, or as to the issue or issues on which there was a failure to agree at the regional level.

(b) *Session cases.* On and after the opening date of the session at which a case is calendared for trial, or of any pre-trial hearing or of report session on a case, as to each such case:

(1) The conclusion of Regional Counsel, whether the case, in whole or in part, should be settled, conceded, or tried shall be controlling; and Regional Counsel's memorandum on the settlement or concession shall be the basis for disposition

of the case, in whole or in part, as the case may be; and

(2) Regional Counsel is authorized to execute stipulations of settlement of an issue or issues or of the whole case, and of concession of the case in whole or in part.

(c) *Continuance of authority of Counsel.* The authority of Regional Counsel under paragraph (b) shall continue:

(1) During the session at which the case is calendared for trial, or during the pre-trial or report session, as the case may be; and

(2) If a pre-trial or report session is held on the case after notice has been given that the case is calendared for trial: from the opening day of the pre-trial or report session, which ever is earlier, to and during the session for which the case is calendared for trial; and

(3) If a case is continued other than generally from a pre-trial, report, or trial session: during such continuance; and

(4) From the time when any action is taken by Regional Counsel, during any period of time prescribed in (1), (2) and (3) of this paragraph, which modifies a pre-session conclusion of the Regional Appellate Division with respect to any issue or issues of the case.

(d) *Reversion to pre-session status.* If a case is continued generally from a pre-trial, report, or trial session without action having been taken by Regional Counsel to modify a pre-session conclusion of the Regional Appellate Division with respect to any issue or issues of the case, it shall revert to the status of a pre-session case and paragraph (a) shall apply until paragraph (b) again becomes effective.

(e) *Responsibility of Regional Counsel.* Regional Counsel shall act for the Chief Counsel, and shall be responsible for, and have power of decision in, proceedings before the Court. In the post-trial processing of a case Regional Counsel shall have all the authority stated in subparagraphs (1) and (2) of paragraph (b). Regional Counsel may consult at any time with the Regional Appellate Division to the full extent desirable.

With the approval of the Chief Counsel, Regional Counsel may redelegate any function by this Order vested in Regional Counsel.

(f) *Supervision by Chief Counsel.* In the performance of his functions under this Order, Regional Counsel shall be subject to the general supervision and control of the Chief Counsel.

2. The instructions contained in this order supersede prior instructions to the extent that the prior instructions are inconsistent herewith.

3. This revision shall be effective May 1, 1958.

[SEAL]

RUSSELL C. HARRINGTON,
Commissioner.
ARCH M. CANTRALL,
Chief Counsel.

Approved: April 17, 1958.

NELSON P. ROSE,
General Counsel for the
Treasury Department.

Approved: April 17, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-3168; Filed, Apr. 25, 1958; 2:17 p. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2500, Amdt. 27]

SOLICITOR

DELEGATION OF AUTHORITY, GENERAL

APRIL 22, 1958.

Requests to the Attorney General for title opinions and correspondence concerning condemnation proceedings constitute aspects of the legal work of the Department, which is under the authority of the Solicitor, and will henceforth be handled by the Office of the Solicitor except to the extent that the Solicitor, in writing, may authorize officers of bureaus or offices to communicate directly with the Department of Justice on such matters. Accordingly, section 60, correspondence concerning condemnation

proceedings, and section 61, request for title opinions (17 F. R. 6795, 8634) are revoked.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 58-3145; Filed, Apr. 28, 1958;
8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Appeals Board Docket No. FC-43; B. F. C.
Case 229]

NISAN SIMON COHEN

APPEALS BOARD DECISION

In the matter of Nisan Simon Cohen, 83 Biesbosstraat, Amsterdam, Netherlands, Appeals Board Docket No. FC-43; B. F. C. Case No. 229.

Nisan Simon Cohen, of Amsterdam, Netherlands, hereinafter referred to as the appellant, has appealed from an order revoking export licenses and denying export privileges issued April 29, 1957, by John C. Barton, Director, Office of Export Supply, Bureau of Foreign Commerce (22 F. R. 3134; May 2, 1957). Appellant did not request an oral hearing and was advised that the appeal would be considered on the record.

Notice of appeal, dated May 16, 1957, was followed by a letter from appellant, dated June 18, 1957, which stated in effect that he assumed that medicine, in this case aureomycin (50,000 vials), was in no respect strategic goods and could be delivered in this case to Communist China. In this letter, appellant pointed out that his business with the U. S. is by far the main part of his activities.

This letter was not considered adequate support of the appeal and following examination of the record, the Appeals Board, in a letter dated July 18, 1957, requested further information from appellant including nine specific questions designed to clarify the situation and requested reply within fifteen days.

Although the order was running against him, appellant requested an extension of time, which was granted to September 23, 1957. No timely reply having been received, the Board advised appellant by letter dated January 15, 1958, that unless his answer was in U. S. Government hands within 10 days following receipt, the Board would consider the dismissal of the appeal on the ground that it had been abandoned.

Appellant's answer, dated January 31, 1958, which enclosed only a portion of the documents requested, has been carefully examined and found to be evasive, inconclusive and inadequate to support his case as against the documents of record.

The order, supported by the record, showed that this appellant, whose main business was importing commodities from the U. S., to fill an order for aureomycin destined for Communist China, purchased 50,000 vials of aureomycin of U. S. origin from a firm in Belgium, which in turn, through another Belgium firm, obtained the aureomycin from an American exporter for shipment to Brussels, Belgium, as the ultimate destination.

This shipment was then forwarded to Amsterdam, The Netherlands, and then transhipped by appellant to a Berlin agent of the China National Import and Export Corporation, Peking.

This appellant, who had been previously involved in violations of U. S. export laws, although given more than ample opportunity by the Board to justify his acts, following his receipt of the order, has, by inadequate and evasive answers to questions, shown he is unwilling or unable to do so.

His experience as an importer of U. S. commodities is such that the Board is convinced, on the basis of the whole record, that his actions in this matter constituted a knowing and deliberate violation of the pertinent U. S. export laws and regulations thereunder, and the order issued against him was appropriate.

The appeal is denied.

FREDERIC W. OLMSTEAD,
Chairman, Appeals Board.

APRIL 15, 1958.

[F. R. Doc. 58-3165; Filed, Apr. 28, 1958;
8:49 a. m.]

[Appeals Board Docket No. FC-45; B. F. C.
Case 230]

LONDON EXPORT CORP., LTD.

APPEALS BOARD DECISION

In the matter of London Export Corporation Ltd., 5 Chandos Street, London W. 1, England, Appeals Board Docket No. FC-45; B. F. C. Case No. 230.

This is an appeal by London Export Corporation from an order denying export privileges issued May 24, 1957, by John C. Barton, Director, Office of Export Supply, Bureau of Foreign Commerce (22 F. R. 3765; May 29, 1957). Appellant advised that it did not request an oral hearing. The order also included a denial of export privileges to N. V. Transmare Handelsmaatschappij of Rotterdam, The Netherlands, which was appealed and is being denied concurrently.

Appellant's letter dated February 10, 1958, supporting its appeal in detail, stated in effect that it is engaged in the import-export business; that the company is a United Kingdom correspondent of the China National Import-Export Corporation; that it agreed to buy from Transmare, aureomycin (10,000 vials) which was stated to be of U. S. origin and which Transmare agreed to sell and deliver to appellant in Rotterdam; that Transmare caused the aureomycin to be delivered to us (appellant) who caused it to be shipped to China. The letter stated, "All these facts are undoubtedly true."

Appellant also stated in this letter: "We have informed you that we knew nothing and had no cause to know anything about United States export controls before September, 1956. There is nothing on the record to impugn our integrity, and we are at a loss to understand why or how this Company could be assumed to have knowledge of United States export control. There is no suggestion, as in fact there could be no

foundation for such a suggestion, that this Company in its normal commercial operations is habituated to dealing in the United States market or with United States goods. As was stated by us in our correspondence, which we understand was before the Compliance Commissioner, we have never dealt in the United States or ever had occasion to concern ourselves with the United States exportation law."

Appellant's corporation letterhead discloses that it is "Correspondents in United Kingdom for China National Import-Export Corporation", and that appellant has four directors. Two of these directors, one of whom signed the letter of appeal dated February 10, 1958, were, as far back as 1953, among a list of the then 29 council members of the British Council for the Promotion of International Trade.

As to the above quoted statement, printed and mimeographed documents of information issued by this Council, as far back as 1953, and in considerable number and length, indicated an extensive knowledge of international east-west trade in drugs, including antibiotics, of which aureomycin is one; and included information that the United States authorities probably will try to cut down the flow of pharmaceuticals into China, and that antibiotics are a direct aid of the Chinese armies. Other Council documents indicated that the U. S. sends nothing to China. The general tone of these Council documents favors increasing the importation into Communist China of commodities which have been embargoed by the U. S. and embargoed or restricted by the British. These Council documents were information publicly distributed to interested parties.

This appellant is a corporation, directed and guided by its four directors. It is inconceivable to the Board that this corporation, having had fifty percent of its directors members of the Council, could have been making other than knowing false statements in their letter of appeal dated February 10, 1958. Therefore, similar statements elsewhere on the record are false.

The Board, having examined the whole record from this viewpoint, concludes that appellant did initiate a transaction for the purchase of aureomycin of U. S. origin for ultimate destination China in knowing violation of U. S. export laws and regulations.

Anyone who knowingly initiates or participates in illegal export transactions involving U. S. origin commodities is subject to at least suspension of their export privileges and in a degree commensurate with their knowledge and intent.

The oft-appearing contentions by foreign appellants, which also appear in this appeal, that U. S. sanctions should not be held against them because they have not violated export laws and regulations of their own or other foreign countries, have no standing before this Board and have become monotonous through repetition.

The Board also concludes that the culpability of this appellant exceeded that of Transmare and that the greater

suspension imposed upon this appellant was appropriate, and, under the circumstances, just.

The appeal is denied.

FREDERIC W. OLMSTEAD,
Chairman, Appeals Board.

APRIL 15, 1958.

[F. R. Doc. 58-3166; Filed, Apr. 28, 1958;
8:49 a. m.]

[Appeals Board Docket No. FC-47; B. F. C.
Case 230]

N. V. TRANSMARE HANDELSMAATSCHAPPIJ
AND H. AARSEN

APPEALS BOARD DECISION

In the matter of N. V. Transmare Handelsmaatschappij and H. Aarsen, Meent 93, Rotterdam, Netherlands, Appeals Board Docket No. FC-47; B. F. C. Case No. 230.

This is an appeal by N. V. Transmare Handelsmaatschappij and H. Aarsen, Meent 93, Rotterdam, Netherlands, from an order denying export privileges issued May 24, 1957, by John C. Borton, Director, Office of Export Supply, Bureau of Foreign Commerce (22 F. R. 3765; May 29, 1957). This appeal has been considered on the record without an oral hearing at appellant's request. The order also included a denial of export privileges to London Export Corporation Ltd., London, England, which was appealed and is being denied concurrently.

The order in brief stated as findings of fact that these appellants, hereinafter referred to as Transmare, engaged in the export-import business in Rotterdam; that negotiations between Transmare and London Export Corporation Ltd., hereinafter called London Export, resulted in a contract whereby Transmare agreed to obtain 10,000 vials of aureomycin for sale and delivery to London Export in Rotterdam, The Netherlands; that Transmare knew that U. S. export regulations forbade the exportation of aureomycin from the U. S. to Communist China without prior U. S. authorization; that it was the intent to ship the aureomycin to Communist China; that Transmare purchased the aureomycin from a supplier in the U. S. and required the supplier to execute an export declaration certifying that the aureomycin was being exported from the United States to Transmare as the ultimate consignee and The Netherlands as the country of ultimate destination; and that upon its arrival in Rotterdam, Transmare, knowing it was to be exported to Communist China, delivered the shipment into the control of London Export which caused it to be transshipped to China in violation of U. S. export laws and regulations. The foregoing facts are supported by the record.

In its letter of appeal dated June 21, 1957, Transmare, in part, referred to earlier documents of record, which have been examined by the Appeals Board, and indicated: that it knew there were U. S. regulations restricting shipments from the U. S. to Communist China; that all these regulations cannot be known to

foreign firms; that it did not know that such exports of aureomycin were prohibited; and that the U. S. supplier's export declaration, giving The Netherlands as the ultimate destination of the shipment was not based on information from Transmare. Also, Transmare generally referred to international monetary switch transactions implying, but not stating, that this was such switch transaction.

The Board noted that Transmare's letter to the Bureau of Foreign Commerce dated October 12, 1955, stated, in effect, that to avoid risk with regard to U. S. purchase of the aureomycin, Transmare purposely prescribed in the letter of credit, opened in favor of the U. S. supplier, that there be no restrictive clauses as to the ultimate destination of the goods.

The privilege of engaging in U. S. export trade carries with it a positive duty to make reasonably sure that the transaction involved does not subvert the purpose of the U. S. export control laws and regulations.

In this case, Transmare, a company continually engaged in this trade over a long period, knew that this aureomycin was intended for Communist China and has shown no evidence that it knew of any change in intent.

Transmare claims in effect that they could not have known that London Export still intended to transship the aureomycin to Communist China. However, they, not London Export, had caused the change in the contract originally drawn by London Export which substituted Rotterdam for Communist China as the destination. This is not a valid excuse where Transmare took no steps to make sure whether or not London's original intent had been changed and did not advise U. S. authorities of the original intent as required by U. S. export regulations.

The Board does not find support for this appeal in the record.

The appeal is denied.

FREDERIC W. OLMSTEAD,
Chairman, Appeals Board.

APRIL 15, 1958.

[F. R. Doc. 58-3167; Filed, Apr. 28, 1958;
8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13381]

ARROW DRILLING CO. ET AL.

NOTICE OF APPLICATION AND DATE OF
HEARING

APRIL 23, 1958.

In the matter of Arrow Drilling Company, Operator, and Hamilton Dome Oil Company, Ltd., Operator, et al., Docket No. G-13381.

Take notice that on October 7, 1957, Arrow Drilling Company (Arrow), Operator, an independent producer with a principal office in Tulsa, Oklahoma, and Hamilton Dome Oil Company, Ltd. (Operator) with a principal office in Tulsa,

1 "Et al." party is Stewart Petroleum Company (Stewart).

Oklahoma, an independent producer together with Stewart Petroleum Company (Stewart), filed a joint application pursuant to Section 7 of the Natural Gas Act for the purposes set forth as follows:

(1) Arrow, Operator, to abandon service to Texas Eastern Transmission Corporation (Texas Eastern) with respect to gas produced in the Jefferson Area of Rodessa Field in Marion County, Texas, which service is covered by a gas sales contract dated August 1, 1952, between Arrow and Stewart, as sellers, and Texas Eastern, as buyer. Arrow² was authorized on January 23, 1956, in Docket No. G-6191 to gather the subject gas produced from leases owned or controlled by it in said field, process the gas in its plant at Lodi, Marion County, Texas, in which plant Stewart owns an interest, and sell the residue gas therefrom to Texas Eastern under the aforementioned contract.

(2) Hamilton, Operator, et al., to continue the service proposed to be abandoned by Arrow in (1) above.

The application recites that on January 23, 1956, in Docket No. G-6191, Arrow, on behalf of itself and Stewart Petroleum Company, was issued a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce by Arrow and Stewart to Texas Eastern. The same service will be continued to be rendered by Hamilton, Operator, et al.

This matter should be heard and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 18, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however, That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.*

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 16, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRADE,
Secretary.

[F. R. Doc. 58-3146; Filed, Apr. 28, 1958;
8:46 a. m.]

² Arrow has applied on behalf of itself, as operator, and Stewart.

[Docket No. G-13724]

ALGONQUIN GAS TRANSMISSION CO.
NOTICE OF APPLICATION AND DATE OF
HEARING

APRIL 23, 1958.

Take notice that Algonquin Gas Transmission Company (Applicant), a Delaware corporation with its principal place of business in Boston, Massachusetts, filed an application on November 15, 1957, as supplemented on November 29, 1957, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, for authority to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to sell additional volumes of natural gas to six existing customers commencing September 1, 1958, as indicated below:

Customer	Peak day Mcf @ 14.73 psia		
	Authorized	Proposed	Total
Boston Gas Co.	52,688	2,512	55,200
Brockton Taunton Gas Co.	9,000	1,000	10,000
Buzzards Bay Gas Co.	3,280	1,180	4,460
The Connecticut Gas Co.	18,790	920	19,710
The Hartford Gas Co.	14,500	1,000	15,500
Fall River Gas Co.	9,028	972	10,000
Total	107,286	7,584	114,870

The application states that Applicant's gas supply, including the additional allocation of 10,200 Mcf per day from Texas Eastern Transmission Corporation as proposed by Texas Eastern in its application in Docket No. G-12446,^{*} is sufficient and will leave uncommitted 3,010 Mcf per day, which will provide flexibility of operation on its system in addition to allowing for proposed revisions of the estimated requirements of the six customers involved herein.

No new facilities are proposed to effect the increased sales, as Applicant states, they will be made through existing delivery points from previously authorized capacity.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 29, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and pro-

cedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 16, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.[F. R. Doc. 58-3147; Filed, Apr. 28, 1958;
8:46 a. m.]

[Docket No. G-14777]

TRANSCONTINENTAL GAS PIPE LINE CORP.
AND TEXAS EASTERN TRANSMISSION
CORP.

NOTICE OF APPLICATION AND DATE OF
HEARING

APRIL 23, 1958.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) and Transcontinental Gas Pipe Line Corporation (Transco), hereinafter referred to collectively as Applicants, filed a joint application on March 28, 1958, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain tie-over facilities interconnecting their main systems, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the joint application which is on file with the Commission and open to public inspection.

The joint application seeks authorization for the construction and operation of facilities interconnecting the main line systems of applicants at their respective Mississippi River crossings in Pointe Coupee and West Feliciana Parishes, Louisiana. The proposed facilities consist of approximately 1,540 feet of 18" tie-line connecting the applicants' systems on the west bank of the river and 1,866 feet of 18" tie-line connecting applicants' systems on the east bank of the river.

Applicants state that the proposed facilities will be operated only during periods of emergency on either applicant's Mississippi River crossing in case of wash-outs, which are possible at any time. Applicants further state that in the event such facilities are placed in operation, there will be no exchange of gas between applicants, nor will there be any commingling of gas of their respective gas systems. The tie-overs will permit diversion of gas of either applicant suffering emergency due to loss of a crossing, to any one or more crossings of the other applicant that may be available.

The overall capital cost of the entire project of both applicants is estimated to be \$82,452. Each party will bear one-

half of the overall capital cost, or \$41,226, and each party will own one-half of each tie-over on each bank of the river.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 29, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 16, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.[F. R. Doc. 58-3148; Filed, Apr. 28, 1958;
8:46 a. m.]

[Docket No. G-14944]

KROY AMERICAN OILS, INC., ET AL.

ORDER ACCEPTING NOTICE OF SUCCESSION,
ORDERING HEARING AND SUSPENDING PRO-
POSED CHANGE IN RATES

APRIL 23, 1958.

Kroy American Oil, Inc. (Operator) et al. (Kroy), on March 24, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated March 20, 1958.
Purchaser: Cities Service Gas Company.
Rate schedule designation: Supplement No. 1 to Kroy's FPC Gas Rate Schedule No. 1.
Effective date: April 24, 1958 (effective date is the first day after expiration of the required thirty days' notice).

Thereafter, on April 11, 1958, Kroy tendered for filing a notice of succession, dated April 10, 1958, to Great Sweet Grass Oils Company (Operator) et al. The sale of natural gas involved in the notice of succession is made to Cities Service Gas Company from the Mary Thomas No. 1 well in McClain County,

^{*} Authorized by Examiner's Decision issued April 15, 1958, in Docket No. G-12446, et al.

Oklahoma, and is presently covered by Great Sweet Grass' FPC Gas Rate Schedule No. 2. Kroy and Great Sweet Grass have also submitted the required certificate application and petition to vacate which will be treated under separate order. Great Sweet Brier's FPC Gas Rate Schedule No. 2 should be redesignated as Kroy's FPC Gas Rate Schedule No. 1.

In support of the proposed periodic rate increase, Kroy states that the increased rate will enable it to meet rising costs of labor and material. No cost data have, however, been submitted as a basis for such allegations.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest to accept the aforesaid notice of succession and to permit it to take effect as of November 23, 1957, the date of transfer of the producing properties, and to redesignate Great Sweet Grass' FPC Gas Rate Schedule No. 2 as Kroy's FPC Gas Rate Schedule No. 1.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Kroy's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereininafter ordered.

The Commission orders:

(A) The notice of succession as tendered for filing by Kroy on April 11, 1958, is hereby accepted for filing and is permitted to take effect as of November 23, 1957, and Great Sweet Grass' FPC Gas Rate Schedule No. 2 is hereby redesignated as Kroy's FPC Gas Rate Schedule No. 1.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Kroy's FPC Gas Rate Schedule No. 1.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 24, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL]

JOSEPH H. GUTRIE,
Secretary.

[F. R. Doc. 58-3154; Filed, Apr. 28, 1958; 8:47 a. m.]

[Docket No. R-167]

RATE FILINGS BASED UPON KANSAS OIL AND GAS SEVERANCE TAX ACT

NOTICE OF PROPOSED ISSUANCE OF GENERAL ORDER

APRIL 24, 1958.

1. Notice is hereby given that the Commission has under consideration the issuance of a general order in the above-entitled matter.

2. On January 30, 1958, the Supreme Court of the State of Kansas, in State of Kansas ex rel. Dole, et al. v. Kirchner, et al., Case No. 40,922, held the Kansas Oil and Gas Severance Tax Act (chap. 516, Laws of 1957, G. S. 1957 Supp. 79-4201) to be unconstitutional in that the subject of the law was not clearly expressed in its title as required by the constitution of the State of Kansas.

3. It follows from this decision that rate filings made pursuant to section 4 of the Natural Gas Act and Part 154 of the regulations under the Natural Gas Act have no legal basis to the extent that they were predicated solely on this Severance Tax Act. Such filings, therefore, should be cancelled.

4. Although, under section 4 (a) of the Administrative Procedure Act no general notice of the action proposed herein is required, the Commission is cognizant of the importance of the decision of the Kansas Supreme Court to it and to the producers in that State. It, therefore, is taking this method of informing the public and the interested parties that it has under consideration the issuance of an order which will implement the action of the Kansas Supreme Court as it affects, particularly, any rate filings purporting to effectuate or pass on to purchasers the severance tax described above.

5. The order herein under consideration is proposed to be issued under the authority granted to the Federal Power Commission by sections 4 and 16 of the Natural Gas Act (52 Stat. 822, 830; 15 U. S. C. 717c, 717o).

Any person may submit to the Federal Power Commission, Washington 25, D. C., not later than May 23, 1958, data, views, comments, and suggestions in writing concerning the above-described order. An original and nine copies of any such submittal should be filed. The Commission will consider any such written submittals before acting on the proposed statement and order.

[SEAL]

JOSEPH H. GUTRIE,
Secretary.

[F. R. Doc. 58-3153; Filed, Apr. 28, 1958; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1147]

OMAF CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING COMPANY FROM ALL PROVISIONS OF ACT

APRIL 22, 1958.

Notice is hereby given that Omaf Corporation ("Omaf"), a Delaware corporation, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order exempting Omaf from all the provisions of the act.

The application states that Omaf is a wholly-owned subsidiary of Olin Mathieson Chemical Corporation ("Olin Mathieson"), a Virginia corporation engaged in manufacturing a wide range of products. Olin Mathieson has entered into an aluminum program whereby it will become an integrated producer and fabricator of aluminum and aluminum products. As a part of this program, Olin Mathieson has participated in the formation of a French Guinea corporation called Fria, Compagnie Internationale pour la Production de l'Alumine ("Fria") for the purpose of mining extensive bauxite deposits in French Guinea. The bauxite will be refined into alumina for shipment to the founding shareholders of Fria, a group consisting of Olin Mathieson and French, Swiss and British aluminum companies.

It is stated further that, in order to meet its commitments to assist in the financing of the Fria project, Olin Mathieson will cause Omaf to issue and sell its notes to two insurance companies in an aggregate principal amount not exceeding \$40,000,000. The proceeds of the issue and sale of such notes will be loaned by Omaf to Fria. The notes of Fria evidencing such loans will be secured by a mortgage on the property and equipment of Fria and two of its subsidiaries and will contain terms corresponding to those of Omaf's notes in respect of interest, maturity and prepayment. The notes issued by Fria will be pledged by Omaf with a U. S. trustee as security for the notes sold by Omaf to the insurance companies. As additional security, all the issued and outstanding capital stock of Omaf will be pledged by Olin Mathieson with the trustee.

The application also states that Omaf will serve as a debt financing vehicle to facilitate the financing of the Fria project. Omaf will not trade in the Fria notes and will not own or hold the securities of any other company. It will be organized in such a way that it receives only enough money to pay its operating expenses. It will not operate at a profit and will pay no dividends. Omaf's sole asset, the Fria notes, will be pledged with the trustee and will be discharged by direct payments by Fria to the trustee with such payments simultaneously discharging Omaf's obligations under its notes. Omaf will not deal with the Fria notes after the initial act of pledging them with the trustee. None of the out-

standing securities of Omaf will be held by the public.

Section 6 (c) of the act provides that the Commission, may conditionally or unconditionally, exempt any persons, securities or transactions, from any provision of the act or of any rule thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Omaf urges that it is not necessary or appropriate in the public interest or consistent with the protection of investors that Omaf be subject to the provisions of the act since it will be merely a debt financing vehicle for one aspect of Olin Mathieson's activities, its only asset will be the mortgage notes of Fria which it does not intend to sell or trade and it will not own or trade in any other securities or have any of its own securities outstanding in the hands of the public.

Notice is further given that any interested person may, not later than May 7, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 58-3149; Filed, Apr. 28, 1958;
8:46 a. m.]

[File Nos. 24S-1499, 24S-1579]

CENTRAL OILS, INC.

ORDER WITHDRAWING REQUEST FOR HEARING
AND CANCELLING HEARING

APRIL 23, 1958.

The Commission by order dated March 21, 1958, having ordered that a hearing in the above-entitled matters, pursuant to section 3 (b) of the Securities Act of 1933, as amended, and the applicable provisions thereunder, commence on May 1, 1958, at 10:00 a. m., Pacific Standard Time, at the Seattle Regional Office of the Commission, Room 304, 905 Second Avenue Building, Seattle, Washington, and

The Company having requested a withdrawal of its request for a hearing and the Division of Corporation Finance not objecting thereto,

It is ordered, That the request for hearing be and it hereby is deemed withdrawn.

It is further ordered, That the order dated March 21, 1958, scheduling a hear-

No. 84-4

ing for May 1, 1958, be and it hereby is rescinded.

Pursuant to the provisions of Rule 261 (b) of Regulation A, the suspension of the Regulation A exemption from registration under the Securities Act of 1933, as amended, with respect to the proposed public offering of securities by the Company becomes permanent.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 58-3150; Filed, Apr. 28, 1958;
8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-X-13]

MANAGER, DISASTER FIELD OFFICE,
MONROE, LA.

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), as amended (22 F. R. 5811, 8197, 23 F. R. 557, 1768) there is hereby delegated to the Manager of the Disaster Field Office, Monroe, Louisiana, the following authority:

A. Specific.

FINANCIAL ASSISTANCE

1. To approve disaster loans in an amount not exceeding \$20,000.
2. To decline original disaster loan applications in an amount not exceeding \$20,000, but not reconsideration of such applications.
3. To execute loan authorizations for disaster loans of \$20,000 or less approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.

By _____
Manager,
Monroe Disaster Field Office.

4. To execute modifications or amendments to loan authorizations for disaster loans approved under delegated authority by the Manager, Monroe Disaster Field Office, by issuance of Certificates of Modification.

ADMINISTRATIVE

5. To administer oaths of office.
 6. To approve annual and sick leave for employees under his supervision.
 7. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.
- B. Correspondence. To sign all non-policy making correspondence, except Congressional correspondence, relating to the functions of the Disaster Field Office.

II. The authority delegated in subsection I. B. may be redelegated limiting such redelegation to routine correspondence only.

III. All authority delegated herein may be exercised by any SBA employee des-

ignated as Acting Manager of the Disaster Field Office.

Dated: April 7, 1958.

C. W. FERGUSON,
Regional Director, SBA,
Region X.

[F. R. Doc. 58-3151; Filed, Apr. 28, 1958;
8:46 a. m.]

[Declaration of Disaster Area 186]

FLORIDA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of April 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Florida;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: St. Lucie (Tornado occurring on or about April 15, 1958).

Offices: Small Business Administration Regional Office, 90 Fairlie Street NW., Atlanta 3, Ga.

Small Business Administration Branch Office, Pacific Building, Room 310, 327 NE. First Avenue, Miami 32, Fla.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1958.

Dated: April 17, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-3152; Filed, Apr. 28, 1958,
8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-330]

ACCIDENT OCCURRING AT MIAMI, FLA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N5904, which occurred at Miami, Florida, March 25, 1958.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act,

in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, May 7, 1958, at 9:30 a. m. (local time) at the Empress Hotel, between 43d and 44th Streets, Miami Beach, Florida.

Dated at Washington, D. C., April 22, 1958.

[SEAL]

ROBERT W. CHRISP,
Presiding Officer.

[P. R. Doc. 58-3170; Filed, Apr. 23, 1958;
8:50 a. m.]

[Docket No. SR-2255]

J. L. NORMAN

NOTICE OF POSTPONEMENT OF ORAL
ARGUMENT

In the matter of James T. Pyle, Administrator of Civil Aeronautics, complainant v. J. L. Norman, Docket No. SR-2255, respondent.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding now assigned for May 7 is postponed to June 11, 1958, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 24, 1958.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[P. R. Doc. 58-3171; Filed, Apr. 23, 1958;
8:50 a. m.]

TARIFF COMMISSION

LEAD AND ZINC

"ESCAPE CLAUSE" REPORT

APRIL 24, 1958.

The Tariff Commission today submitted to the President its report on "escape clause" Investigation No. 65, conducted under section 7 of the Trade Agreements Extension Act of 1951, as amended, with respect to unmanufactured lead articles provided for in paragraphs 391 and 392 (except Babbitt metal, solder, lead in sheets, pipe, shot, glaziers' lead, and lead wire), and unmanufactured zinc articles provided for in paragraphs 393 and 394 (except zinc dust and zinc in sheets), of the Tariff Act of 1930. Unmanufactured lead and zinc are currently dutiable at reduced rates as a result of concessions granted in the General Agreement on Tariffs and Trade.

The Commission unanimously found that unmanufactured lead and zinc are being imported into the United States in such increased quantities as to cause serious injury to the domestic industries producing like or directly competitive products. The six members of the Commission divided evenly on the remedy that is necessary, and each group of three issued a separate statement in support of its finding of serious injury and its recommendations for remedying that injury.

Commissioners Brossard, Talbot, and Schreiber recommend the application of the maximum permissible rates of duty, as well as quantitative restrictions, on imports of unmanufactured lead and

zinc. The increased duties they recommend are as follows: On lead-bearing ores, 1½ cents per pound on the lead content; on lead pigs and bars, 2½ cents per pound on the lead content; on zinc-bearing ores, 1½ cents per pound on the zinc content; and on zinc blocks, pigs, or slabs, 2½ cents per pound. The annual quota limitation they recommend for unmanufactured lead is 221,700 short tons (of lead content), and for unmanufactured zinc is 325,600 short tons (zinc content of ores and gross weight of imports of unmanufactured zinc in other forms). The quantitative restrictions would not apply to imports for Government stockpiles or to duty-free imports for export after being smelted and refined.

Commissioners Sutton, Jones, and Dowling recommend the reimposition of the rates of duty originally imposed by the Tariff Act of 1930, and they oppose quota limitations of any kind. The increased duties that they recommend are as follows: On lead-bearing ores, 1½ cents per pound on the lead content; on lead pigs and bars, 2½ cents per pound on the lead content; on zinc-bearing ores, 1½ cents per pound on the zinc content; and on zinc blocks, pigs, or slabs, 1½ cents per pound.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Address requests to the United States Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

[SEAL]

DONN N. BENT,
Secretary.

[P. R. Doc. 58-3163; Filed, Apr. 23, 1958;
8:48 a. m.]











